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**STRICTLY CONFIDENTIAL**

**Office of Internal Oversight Services  
Investigations Division**

**REPORT ON ALLEGED ABUSE OF  
DIPLOMATIC PRIVILEGES  
AND IMMUNITIES AT [REDACTED]**

**ID CASE NO. 0157/07**

**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.

**19 March 2007**



5. [REDACTED] are not staff members of the Organization.<sup>5</sup> Nevertheless, they are accountable<sup>6</sup> to the United Nations for their actions and if their conduct falls short of the standards expected of them, the [REDACTED] is the organ that should consider the matter.<sup>7</sup> Consequently, the transmittal of this report to the [REDACTED] of the [REDACTED] [REDACTED] is in fulfillment of and in compliance with relevant United Nations regulations and rules.

## II. APPLICABLE LAW

### A. General Duties and Obligations of United Nations Staff members

6. All United Nations staff must comply with the "UN Staff Regulations and Rules" and the "Standards of Conduct for International Civil Servants" (Standards of Conduct). On 1 November 2002, the Secretary-General of the United Nations circulated a Bulletin (ST/SGB/2002/13) to all staff that includes both of these sets of rules as well as the "Status, Basic Rights and Duties of United Nations Staff Members".

7. Among other things, the Regulations and Rules provide that staff members shall conduct themselves at all times in a manner befitting their status as international civil servants and shall not engage in any activity that is incompatible with the proper discharge of their duties with the United Nations, and shall avoid any action that may adversely reflect on their status, or on the integrity, independence and impartiality required by that status.<sup>8</sup>

8. Furthermore, staff members must comply with local laws<sup>9</sup> and must respond fully to requests for information from staff members and other officials of the Organization authorized to investigate the possible misuse of funds, waste or abuse.<sup>10</sup>

9. The Standards of Conduct provides that, although the private life of international civil servants is their own concern and organizations should not intrude upon it, there can be situations in which the behavior of an international civil servant can reflect on the Organization.<sup>11</sup> The Standards of Conduct further provides that the privileges and immunities that international civil servants enjoy are conferred upon them solely in the interests of the Organization. They do not exempt international civil servants from observing local laws, nor do they provide an excuse for ignoring private, legal or financial obligations.<sup>12</sup>

[REDACTED]

**B. General Duties and Obligations of Officials other than Secretariat Officials, and Experts on Mission**

10. Article 13 of the Statute of the [REDACTED] approved by the [REDACTED] [REDACTED] in resolution 31/192 of 22 December 1976) provides that [REDACTED] shall have the status of officials of the Organization, *but shall not be staff members* (Emphasis added).

11. The [REDACTED] have been consistently referred to by the [REDACTED] as "officials other than Secretariat Officials".<sup>13</sup> Their conduct is governed by specific United Nations Regulations, such as those of "Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials, and Experts on Mission", (ST/SGB/2002/9 of 18 June 2002). The Regulations were adopted by the General Assembly Resolution 56/280 of 27 March 2002. Regulation 1(f) of the Bulletin provides that its regulations are applicable to [REDACTED] without prejudice and in accordance to the Statute of the [REDACTED]

12. The Bulletin further provides that [REDACTED] shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their status.<sup>14</sup> Further, the [REDACTED] must comply with local laws<sup>15</sup> and are accountable to the United Nations for the proper discharge of their functions.<sup>16</sup>

**C. Relevant provisions governing diplomatic privileges accorded to United Nations officials based in [REDACTED]**

**a) Procedure for duty-free importation of new motor vehicles**

13. On 13 November 1985, the [REDACTED] adopted a special regulation<sup>17</sup> which contains specific provisions on entitlements for the import of duty-free household goods (including motor vehicles) accorded to United Nations staff members and senior officials<sup>18</sup> such as the [REDACTED]

14. Based upon this regulation, the [REDACTED] [REDACTED] has subsequently issued a note, "Diplomatic Privileges", which elaborates on the general provisions contained in the [REDACTED] regulation and sets out a detailed procedure to guide [REDACTED] staff and other officials entitled to import duty-free household goods on the necessary steps that should be taken to ensure compliance with the relevant rules on this matter, [Attachment 1]



15. The note provides that senior officials may import in their names two new vehicles duty-free as soon as they receive their identification cards, or "cartes de légitimation". The [REDACTED] of [REDACTED] is responsible for completing the request for duty-free importation of vehicles for diplomats (customs form 15.25) for the signature of the senior official. The signed form is then hand-carried to the [REDACTED]

16. According to the note, the two duty-free vehicles have different customs status, namely:

"Limited" liability - The first vehicle to be imported will have "limited" liability, i.e., the owner can neither sell nor cede the vehicle during a period of three years to a third party who does not have diplomatic status without paying the duties. The date of expiry of the [REDACTED] period is shown on the copy of the 15.52 form which is returned to the owner of the vehicle.

"Unlimited" liability - The other vehicle will be imported under "unlimited" liability, i.e., the owner can never sell or cede the vehicle to a third party who does not have diplomatic status without paying the duties.

17. However, [REDACTED] after importation of a vehicle under "limited" liability, the status of the vehicle originally imported under "unlimited" liability is converted to "limited" liability. As soon as the status of the vehicle has changed, the [REDACTED] acquires the right to import another vehicle under "unlimited" liability, and this entitlement is renewed every [REDACTED] each time the "limited" liability of a vehicle expires.

#### b) Registration of motor vehicles

18. The note further stipulates that senior officials are obliged to register all their vehicles on "CD" plates. The forms for requesting "CD" registration are available in the [REDACTED] and are stamped by the [REDACTED]. The senior official (or the garage, if the vehicle is purchased through a garage in [REDACTED]) presents the stamped form to the [REDACTED] which is responsible for registering vehicles. Motor vehicles belonging to the senior official's [REDACTED] and [REDACTED] must be registered in the name of the senior official.

19. It is important to remark that, according to the [REDACTED] note, "*vehicles with CD plates may not be used by third parties or by members of the family not residing with the staff member without the authorization of the [REDACTED]*" (emphasis added). However, vehicles with CD plates may be driven by such persons if accompanied by the staff member or by members of his family residing with him.



B. [REDACTED]

25. [REDACTED] has been an [REDACTED] of the [REDACTED] since [REDACTED] term of office ends on [REDACTED]. According to the [REDACTED] website, from [REDACTED] to [REDACTED] [REDACTED] served as the [REDACTED]

26. For the purpose of this investigation, it is important to note that [REDACTED] lives at [REDACTED]

## V. INVESTIGATIVE DETAILS

27. As noted in the introduction of this report, the anonymous letter sent to OIOS did not provide the names of either the [REDACTED] staff member or the [REDACTED]. However, the nationality of the [REDACTED] staff and the make and license plate number of the car were provided. Therefore, in order to establish – or rule out – the veracity of the allegations, OIOS first proceeded with the following investigative steps:

### A. Information regarding the ownership of the [REDACTED]

28. First, in order to verify the specific information received on the car - and to eventually establish ownership - OIOS obtained and reviewed relevant documentation from the [REDACTED] and the [REDACTED] of [REDACTED]. This documentation, which included a copy of a request for duty-free importation of vehicles for diplomats (customs form 15.25) dated [REDACTED] and signed by [REDACTED], confirmed that [REDACTED] is the owner of a [REDACTED] car with diplomatic license plates [REDACTED]. [Attachment 3]

29. The review further confirmed that on [REDACTED] [REDACTED] also made a similar request in respect of a second car, i.e., a [REDACTED] (hereafter, "the [REDACTED]"). So, according to [REDACTED] official documentation, [REDACTED] is the owner of both vehicles, i.e., the [REDACTED] with diplomatic plates number [REDACTED] and the [REDACTED] with diplomatic license plates [REDACTED]. [Attachment 4]

30. It is important to note that box number 8 shown on both forms reads as follows: "while relying on the applicable legislation, the undersigned commits [REDACTED] to use the above mentioned vehicle only for private use or that of the members of my family" (unofficial translation from [REDACTED] [REDACTED] checked and signed both boxes and forms. [Attachment 4])

31. Second, through interviews with [REDACTED] staff, OIOS confirmed that:

(a) Both customs forms 15.25 signed by [REDACTED] in respect of both cars were countersigned by a representative of [REDACTED] and were subsequently hand-carried to the [REDACTED] of the [REDACTED]

(b) [REDACTED] had requested and obtained two separate duty-free petrol cards for each of [REDACTED] two cars as follows: duty-free petrol card number [REDACTED] 00, issued for the [REDACTED] and duty-free petrol card number [REDACTED] issued for the [REDACTED]

**B. Information regarding the use of both the [REDACTED] and the [REDACTED] cars**

a) [REDACTED]

32. On [REDACTED] OIOS checked all designated parking areas within [REDACTED] premises and noted that the [REDACTED] was parked in parking area [REDACTED] located next to the [REDACTED], in the close vicinity of parking area [REDACTED]. While observing the car from the outside, OIOS noticed that the [REDACTED] Identification Card of [REDACTED] was placed on the front storage console, next to the lighter and gear stick shift. OIOS also noted two [REDACTED] seats mounted on the rear seats of the car. [Attachments 5 (a), (b) and (c)]

33. On the same day, OIOS observed that at 06:45 p.m., [REDACTED] approached the car alone, opened the driver's door, started the engine and drove from the parking area to the underground garage of [REDACTED] apartment located at [REDACTED]. OIOS further observed that the next morning, at 09:04 a.m., [REDACTED] entered the [REDACTED] premises through the main gate [REDACTED] driving alone in the car, and parked the car in the same parking area [REDACTED]. [Attachment 6]

34. Similarly, throughout the following two days, OIOS established that [REDACTED] followed the same routine: [REDACTED] left [REDACTED] parking lot in the evening, at approximately the same time; drove alone in the car to [REDACTED] apartment building; and parked the car in the building's garage. The following morning, [REDACTED] drove back to [REDACTED] accessing the [REDACTED] through the same main gate [REDACTED], at approximately the same time. [Attachment 7]

35. OIOS noted that upon leaving [REDACTED] through the main gate, [REDACTED] followed the same route to reach [REDACTED] garage.<sup>21</sup> OIOS documented the pattern of use of this car by [REDACTED], via digital pictures which clearly show that at all times when observed by OIOS, [REDACTED] was alone in the car. [Attachments 8 (a), (b) and (c)]

<sup>21</sup> [REDACTED]  
<sup>22</sup> [REDACTED]

C. Further corroboration on the use of the [REDACTED] car by [REDACTED]

36. Further corroboration on the use of the car by [REDACTED] was offered to OIOS during an interview with a staff member from [REDACTED]. During that interview, OIOS learned that several months earlier the [REDACTED] was notified that the [REDACTED] car with diplomatic license plates [REDACTED] had been parked in a [REDACTED] parking space assigned to another person.

37. Based upon [REDACTED] official records, which identified [REDACTED] as the owner of the car, the [REDACTED] called [REDACTED] in an attempt to contact [REDACTED], but was advised that [REDACTED] was absent from [REDACTED] at the time. The [REDACTED] staff who answered the call then contacted [REDACTED] on [REDACTED] mobile telephone and was apparently advised by [REDACTED] that [REDACTED] was using [REDACTED] car. The staff passed this information to the [REDACTED] and the latter contacted [REDACTED] who moved the car from its location.<sup>23</sup>

a) [REDACTED]

38. OIOS noted that on [REDACTED] and [REDACTED], driving the [REDACTED], accessed [REDACTED] premises through the main entrance gate [REDACTED] at 09:19 a.m., about 15 minutes after [REDACTED] who accessed the premises through the same gate driving the [REDACTED]. OIOS also noted that the [REDACTED] was parked in [REDACTED] located in the [REDACTED] [Attachments 9 and 10]

39. Additionally, through interviews conducted with staff members of the [REDACTED] OIOS learned that [REDACTED] inquired whether the status of his [REDACTED] could be converted from "unlimited" to "limited", because [REDACTED] wanted to sell his [REDACTED] to a person who did not have the same status as [REDACTED]. However, [REDACTED] was advised that this could not be done, given that the relevant provisions do not allow for such conversion.

b) Use of both cars

40. OIOS obtained and reviewed relevant documentation provided by the [REDACTED] to [REDACTED] which records the use of both duty-free petrol cards issued to [REDACTED]. The authorities made available Excel tables detailing each purchase made at specially designated petrol stations.<sup>24</sup> The information recorded at every instance of use includes: date, time, location, quantity, and price paid. [Attachment 11]

41. Upon review, OIOS noted that from [REDACTED] through [REDACTED] duty-free petrol for the [REDACTED] was purchased mainly from a [REDACTED] station located in [REDACTED], which is where [REDACTED] lives. However, OIOS noted that from [REDACTED] though [REDACTED] duty-free petrol for the same car recorded was always purchased at the [REDACTED]

[REDACTED]

station, which is located close to [REDACTED] and much closer to the apartment [REDACTED] than the apartment of [REDACTED].

#### D. Interview of [REDACTED]

42. [REDACTED] was interviewed by two OIOS staff members on [REDACTED]. During [REDACTED] interview, [REDACTED] stated that sometime during the summer of [REDACTED] [REDACTED] learned from a colleague that the sale of a [REDACTED] had been advertised on the Intranet. [REDACTED] added that [REDACTED] called the seller (whom [REDACTED] initially described as "a [REDACTED]", but later in the interview, referred to as [REDACTED]), met with [REDACTED] tested the car and bought it. [Attachment 12]

43. When advised by OIOS that according to relevant [REDACTED] documents, the [REDACTED] which [REDACTED] claimed [REDACTED] had bought from [REDACTED] in fact, belonged to [REDACTED] a [REDACTED] [REDACTED] reaffirmed that [REDACTED] had bought the car from [REDACTED] [REDACTED] added that one witness was present during the sale transaction and signature of the contract with [REDACTED]. Furthermore, [REDACTED] mentioned that payment had been made by bank transfer from [REDACTED] account into [REDACTED] account.

44. [REDACTED] confirmed that a couple of [REDACTED] ago, [REDACTED] had parked the above car in an unauthorized parking space at [REDACTED] and admitted that [REDACTED] had queried [REDACTED] on the matter.

45. When asked to provide additional details such as: the date of the transaction, the amount paid, etc., [REDACTED] replied that [REDACTED] did not remember, but said that [REDACTED] would look for the documentation – including the copy of [REDACTED] contract with [REDACTED], which [REDACTED] said [REDACTED] keeps in [REDACTED] car – and would revert to OIOS. [REDACTED] indicated in this regard that after the sale, [REDACTED] provided [REDACTED] with the (two) car keys, the registration documents of the car, and the duty-free petrol card with the personal identification code (PIN) required to buy duty-free fuel. [REDACTED] admitted that [REDACTED] repeatedly and personally used it to buy duty-free fuel at designated petrol stations.

46. Further, when asked to explain why [REDACTED] uses the car with diplomatic plates although [REDACTED] is not entitled to do so, [REDACTED] replied that when [REDACTED] bought the car, [REDACTED] had told [REDACTED] that [REDACTED] would take care of the matter, by switching the diplomatic plates to regular ones.

47. However, [REDACTED] said that there were some problems with this because, although [REDACTED] has attempted to resolve it – including by speaking with representatives of the Permanent [REDACTED] of [REDACTED] to [REDACTED] with the [REDACTED] of [REDACTED] other officials – [REDACTED] could not [REDACTED] it up to the [REDACTED] of [REDACTED] interview with OIOS.

48. [REDACTED] stated that – although [REDACTED] had used the duty-free petrol card and its PIN given to [REDACTED] by [REDACTED], each time [REDACTED] had refueled at designated [REDACTED]

stations – [REDACTED] had, in fact, not realized that [REDACTED] was paying much less than the official price advertised at the pump.<sup>25</sup>

49. However, when shown relevant documentation provided to OIOS by the [REDACTED] regarding the dates, times and locations of refueling, and including the list of prices which show that [REDACTED] paid at least 50% less than the price charged at the pump, [REDACTED] stated that [REDACTED] would reimburse the monies which [REDACTED] had saved by using the duty-free petrol card of [REDACTED].

50. [REDACTED] was then asked to provide OIOS with a handwritten statement detailing the circumstances of [REDACTED] purchase and use of the [REDACTED] and [REDACTED] use of the duty-free petrol card. [REDACTED] refused to do so, stating that “the last time I did so to you, I got myself in trouble.”<sup>26</sup> However, [REDACTED] promised that [REDACTED] would write an e-mail to [REDACTED] seeking clarification on the diplomatic plates and advised OIOS that [REDACTED] would present this draft e-mail the following morning to OIOS together with: PDF copies of [REDACTED] of the car; the duty-free petrol card and PIN number given to [REDACTED] by [REDACTED]. [REDACTED] purchase contract with [REDACTED]; and relevant banking documentation which shows that [REDACTED] had transferred money from [REDACTED] account to [REDACTED] for the purchase of the car.

**E. [REDACTED] failure to fully cooperate with OIOS Investigators**

51. [REDACTED] did not honor this commitment, despite several reminders made to [REDACTED] by the OIOS Investigator to which [REDACTED] did not respond. Therefore, upon ensuring that [REDACTED] was present in [REDACTED] office, the OIOS Investigator visited [REDACTED] and asked for the above documentation. [REDACTED] replied that the documentation is “somewhere in my cellar and I need to find it”. [REDACTED] also asked for a written request from OIOS.

52. Upon returning to [REDACTED] office, the Investigator sent an email to [REDACTED] requesting this documentation. Although [REDACTED] opened this email, as shown by the corresponding acknowledgment receipt document, as of the date of this report, [REDACTED] has not responded and not provided the documentation promised. [Attachment 13]

## VI. FINDINGS

53. This investigation set out to answer the following questions in regard to [REDACTED] alleged issue of the [REDACTED] car:

- (a) Did [REDACTED] own a [REDACTED] car with diplomatic license plates [REDACTED]

[REDACTED]

- (b) If so, did [REDACTED] sell [REDACTED] car to [REDACTED]?
- (c) Did [REDACTED] give [REDACTED] a duty-free petrol card?
- (d) If so, did [REDACTED] use the duty-free petrol card?
- (e) Did the sale of the car by [REDACTED] to [REDACTED] and [REDACTED] subsequent use thereof, and the provision of the duty-free petrol card to [REDACTED] and [REDACTED] subsequent use thereof, violate any relevant provisions regarding diplomatic privileges and immunities?
- (f) If so, should either [REDACTED] or [REDACTED] be held accountable for their actions?

54. The answer to the first question is "yes". Indeed, the available evidence, which includes relevant [REDACTED] documentation detailed above, clearly shows that [REDACTED] was, and still is the legal owner of the above-mentioned car.

55. The answer to the second question is also "yes". Based upon [REDACTED] statement, the fact that [REDACTED] has had uninterrupted custody and [REDACTED] continuous use of the car - as demonstrated by the evidence - it is reasonable to conclude that [REDACTED] is the de facto owner of this car.

56. The answer to the third and fourth questions is also "yes". The documentation evidence shows that from the time [REDACTED] took possession of the [REDACTED] all purchases of duty-free petrol recorded on one of [REDACTED] duty-free petrol cards were made near the residence of [REDACTED], although prior to that time the purchases were made near the residence of [REDACTED].

A. [REDACTED]

57. Yet, as shown above and as admitted by [REDACTED], [REDACTED] use of the car and the duty-free petrol card were done in a manner inconsistent with relevant rules, for the following reasons:

58. First, as a staff member of [REDACTED] belonging to the [REDACTED] category, [REDACTED] was not entitled to drive a car issued with diplomatic plates. As shown by the evidence, and as admitted by [REDACTED] has repeatedly driven the car which has had, at all times, diplomatic plates. [REDACTED] assertion that [REDACTED] had attempted to resolve the issue of the plates, by switching the diplomatic ones with regular ones, is not a valid excuse by OIOS.

59. Second, [REDACTED] was not entitled to use the duty-free petrol card and its corresponding PIN code to purchase duty-free fuel given that pursuant to relevant host countries and [REDACTED] provisions, such privilege is only afforded to senior [REDACTED] officials and not to [REDACTED] staff members.

60. In this regard, the evidence clearly shows that by [REDACTED] purchase of duty-free fuel, [REDACTED] paid about 50% less<sup>27</sup> (per litre) than the price advertised at the pump and this is the reason why, in fact, [REDACTED] had used the duty-free petrol card at specially designated petrol stations. [REDACTED] could have filled the tank of [REDACTED] car at the designated petrol stations (or other stations) without availing [REDACTED] of the benefits accorded by the duty-free card, but never did so. Therefore, [REDACTED] contention that [REDACTED] had not realized that [REDACTED] paid less when using the duty-free petrol card and PIN code at designated petrol stations is rejected by OIOS.

61. As a staff member of the Organization, [REDACTED] has an obligation to conduct [REDACTED] at all times in a manner befitting [REDACTED] status as international civil servant; should have avoided engaging [REDACTED] in any activity incompatible with the proper discharge of [REDACTED] duties with the United Nations, and should have avoided any action that could adversely reflect on [REDACTED] status, or on the integrity, independence and impartiality required by [REDACTED] status. [REDACTED] should also have complied with local laws, and responded fully and timely to requests for information from OIOS.

62. Consequently, given the above improper actions by [REDACTED], OIOS finds that [REDACTED] conduct is inconsistent with [REDACTED] obligations as an [REDACTED] civil servant, in that [REDACTED] failed to observe the standards expected of [REDACTED] and also failed to observe both relevant [REDACTED] country regulations and relevant [REDACTED] rules. In addition, OIOS finds that [REDACTED] failed to cooperate with the OIOS investigation by refusing to provide documentation relevant to this investigation.

B. [REDACTED]

63. OIOS is not in a position to make adverse findings against [REDACTED], given that [REDACTED] is not a United Nations staff member and OIOS has no jurisdiction over [REDACTED] (It should be noted that for the same reasons OIOS has not interviewed [REDACTED].) Being an official appointed by the [REDACTED] the [REDACTED] should decide on the appropriate action as regards [REDACTED] conduct. OIOS will provide a copy of this report to the [REDACTED] of the [REDACTED] for [REDACTED] consideration, given that the evidence adduced during the investigation shows that [REDACTED] has acted in a manner unbecoming of [REDACTED] function and status within the Organization.

## VI. CONCLUSIONS AND RECOMMENDATIONS

64. The evidence adduced by OIOS clearly shows that by purchasing a vehicle that was subject to the privileges of a diplomatic license plate and by [REDACTED] improper use of a duty-free petrol card, [REDACTED] did not uphold the highest standards of integrity as stipulated in Staff Regulation 1.2 (b). Further, by [REDACTED] failure to fully cooperate with OIOS Investigators, [REDACTED] also violated Staff Regulation 1.2 (r).

<sup>27</sup>  
G [REDACTED]

65. The evidence also shows that [REDACTED] improper conduct was only made possible by [REDACTED] actions. It is clear that both [REDACTED] and [REDACTED] benefited from their transaction. [REDACTED] enjoyed the use of a car issued with diplomatic plates and bought duty-free fuel, while [REDACTED] sold [REDACTED] car to [REDACTED] but did not pay the required duty on the car.

66. OIOS makes the following recommendations in view of the findings of this investigation:

1. It is recommended that appropriate action be taken against [REDACTED] for [REDACTED] improper use of the [REDACTED] car and of the duty-free petrol card and PIN code issued to [REDACTED] (ID Rec. No. IV07/157/01)

2. It is recommended that [REDACTED] consider referring this matter to the [REDACTED] authorities for its information and/or action, including for the possible reimbursement of the amounts associated with the misuse of the duty-free petrol card issued to [REDACTED]. (ID Rec. No. IV07/157/02)