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**OFFICE OF INTERNAL OVERSIGHT SERVICES
INVESTIGATIONS DIVISION**

REPORT OF INVESTIGATION

ID CASE NO. 0200/06

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.

24 April 2007

Table of Contents

I.	INTRODUCTION	4
II.	BACKGROUND INFORMATION	4
III.	APPLICABLE LAW	5
IV.	METHODOLOGY	5
V.	INVESTIGATIVE DETAILS	6
VI.	FINDINGS	10
VII.	CONCLUSIONS	12
VIII.	RECOMMENDATIONS	12
	Annex A – Complaint List	13
	Annex B – Mismanagement Allegations and Responses	16
	Annex C – Abuse of Authority Allegations and Responses	24
	Annex D –Harassment and Verbal Abuse Allegations and Responses	32
	Annex E – Financial Irregularities	36

**ALLEGATIONS OF ABUSE OF AUTHORITY,
MISMANAGEMENT AND HARASSMENT BY UN STAFF MEMBERS IN**

[REDACTED]
(ID Case No. 0200/06)

I. INTRODUCTION

1. On [REDACTED] the [REDACTED] referred allegations of abuse of authority, harassment and mismanagement by [REDACTED] the [REDACTED] to the Investigations Division of the Office of Internal Oversight Services (ID/OIOS.)

2. The allegations against [REDACTED] included his use of abusive language in the office; humiliation of staff; favouritism; threats of non-renewal of employment contracts; and engaging in retaliatory action against staff members who submitted formal complaints against him. During the investigation, further allegations arose against [REDACTED] in relation to financial irregularities and serious mismanagement of [REDACTED]

3. [REDACTED]

II. BACKGROUND INFORMATION

4. [REDACTED] was established by [REDACTED], in order to support the implementation of the ceasefire agreement and peace process following [REDACTED]. [REDACTED] was mandated with several undertakings, including, "to assist the transitional government in conjunction with the [REDACTED] and other international partners in developing a strategy to consolidate governmental institutions, including a national legal frame work and judicial and correctional institutions."

5. The [REDACTED] was established at the time of the [REDACTED] mandate in [REDACTED]. A total of [REDACTED] were authorized in the budget of [REDACTED] comprising [REDACTED]. The [REDACTED] has an [REDACTED] and is comprised of three units – [REDACTED]

6. [REDACTED] was first deployed to [REDACTED] in [REDACTED] as the [REDACTED] to the then [REDACTED]. Upon his arrival in the [REDACTED] [REDACTED] was assigned the role of [REDACTED] in addition to his [REDACTED] responsibility. He was officially appointed as [REDACTED] in [REDACTED] and then [REDACTED] later, relinquished his position as [REDACTED]

7. [REDACTED] had previously worked with [REDACTED] as his [REDACTED] at the [REDACTED]. She relocated to [REDACTED] as the [REDACTED] to the [REDACTED] of [REDACTED] in [REDACTED].

III. APPLICABLE LAW

8. Staff Regulation 1.2

(a) "Staff members shall uphold and respect the principles set out in the Charter, including faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women. Consequently, staff members shall exhibit respect for all cultures, they shall not discriminate against any individual or group of individuals or otherwise abuse the power and authority vested in them.

(b) "Staff members 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 work and status."

(l) "No staff member shall accept any honour, decoration, favour, gift or remuneration from any non-governmental source without first obtaining the approval of the Secretary-General".

9. Staff Regulation 1.3

(a) "Staff members are accountable to the Secretary-General for the proper discharge of their functions. Staff members are required to uphold the highest standards of efficiency, competence and integrity in the discharge of their functions, and their performance will be appraised periodically to ensure the required standards of performance are met.

10. Staff Rule 101.2

(d) Any form of discrimination or harassment, including sexual or gender harassment, as well as physical or verbal abuse at the workplace or in connection with work, is prohibited.

(k) Acceptance by staff members of any honour, decoration, favour, gift or remuneration from non-governmental sources requires the prior approval of the Secretary-General. Approval shall be granted only in exceptional cases and where such acceptance is not incompatible with the interests of the Organization and with the staff member's status as an international civil servant. However, staff members may occasionally accept, without prior approval, minor gifts of essentially nominal value having regard to the duty station concerned, provided that all such gifts are promptly disclosed to the head of the office, who may direct that the gift be entrusted to the Organization or returned to the donor.

IV. METHODOLOGY

11. During the course of the investigation ID/OIOS interviewed [REDACTED] [REDACTED] with information relevant to the investigation. Numerous documents were reviewed for information pertinent to the allegations.

V. INVESTIGATIVE DETAILS

The Complaints

12. A full list of all the complaints received by ID/OIOS against [REDACTED] [REDACTED] are attached at *Annex A*. The majority of the complaints concern the management style of [REDACTED] that is alleged to have contributed to the significant staff turnover in [REDACTED]; created a dysfunctional work environment; and resulted in poor external working relations with national legal counterparts in [REDACTED]. Several of the complaints were allegedly forwarded to senior [REDACTED] management and the [REDACTED] however, [REDACTED] staff concerns remained unaddressed. Due to the volume of issues raised to ID/OIOS, other matters considered to be isolated personal grievances of a minor or trivial nature, are not addressed by this report as they fall within the direct purview of line management.

13. [REDACTED]

14. ID/OIOS interviewed a total of [REDACTED] and current [REDACTED] staff members. Each person was asked about their experience in [REDACTED], including management/staff relations, work practices and the general office environment. It was clear that a number of individuals had witnessed the abusive style of [REDACTED] in managing the Division and [REDACTED]. Of the [REDACTED] former [REDACTED] individuals interviewed, [REDACTED] claimed that the low morale and significant staff turnover within the Division, was in part, due to [REDACTED]. Many witnesses were not prepared to identify the reason for their departure at that time because of their fear of intimidation and retribution.

15. The allegations against [REDACTED] [REDACTED], are grouped into four main categories for ease of reference throughout this report – mismanagement; abuse of authority; harassment and verbal abuse; and financial irregularities.

Mismanagement

16. The overwhelming number of complaints regarding [REDACTED] related to his lack of management skills and inability to provide clear direction and focus for [REDACTED]. The complaints included, inter alia, specific incidents in which [REDACTED] allegedly undermined staff in their performance of their duties, treated staff on an unequal basis by favouring certain persons regarding work assignments and ostracized staff who did not elect to remain at the workplace for prolonged periods of time.

17. The complaints are quite detailed in some instances and more general in others. The overriding concern was the lack of equality shown by [REDACTED] when dealing with staff members and his ongoing failure to engage in effective communication with staff. In the interests of fairness to [REDACTED] and the staff members concerned, the specific complaints against [REDACTED] [REDACTED] and their respective responses pertaining to alleged instances of mismanagement are set out in *Annex B* to this report for ease of reference.

Abuse of Authority

18. Allegations were made by current and former staff members regarding particular incidents in which [REDACTED] improperly influenced the recruitment process to ensure that certain staff members were assigned to the [REDACTED] he failed and/or refused to act in situations where as [REDACTED] of [REDACTED] he was obligated to do so; he threatened to terminate the contracts of staff members without just cause; he punished staff who made adverse reports about [REDACTED] management; he engaged in the manipulation of e-pas records to discredit an [REDACTED] and he improperly instructed [REDACTED] nationals about their obligations under the travel restriction protocols imposed by the [REDACTED].

19. [REDACTED] denied the allegations leveled against him. Each of the complaints and the responses by [REDACTED] on the alleged abuse of authority are outlined in *Annex C* attached to this report.

Harassment and verbal abuse

20. Staff members further complained that [REDACTED] [REDACTED] subjected them to verbal abuse and harassment over a sustained period of time, resulting in emotional distress and psychological harm. The complaints included the alleged ongoing harassment by [REDACTED] against his former [REDACTED] [REDACTED], who claimed to be frightened to leave her work station to go to the toilet for fear he would not see her at her desk; the verbal abuse leveled at a staff member at a meeting which was attended by colleagues in which [REDACTED] was witnessed throwing books at the staff member; and the profanities [REDACTED] expressed to a female staff member regarding the use of UN vehicles.

21. [REDACTED] [REDACTED] refuted the allegations, which are detailed in *Annex D* attached to this report, together with [REDACTED] and [REDACTED].

Financial [REDACTED]

22. During the course of the ID/OIOS investigation, allegations of financial misappropriation and mismanagement of [REDACTED] funds were raised. In particular, there was an allegation of missing funds from various [REDACTED] projects initiated under the [REDACTED] during the period that [REDACTED] was the [REDACTED] of the [REDACTED] and the alleged shortfall of funds raised during an [REDACTED] sponsored fundraising event for the [REDACTED].

23. Information pertaining to these allegations of financial irregularities and subsequent enquiries by ID/OIOS is contained within *Annex E* to this report. In general terms, the information provided lacks specific evidence to warrant any further investigation.

General Response to Complaints

24. As a general response to the allegations of poor staff/management relations and the significant staff turnover issues within [REDACTED], [REDACTED] informed ID/OIOS that he believed one particular [REDACTED] staff member, [REDACTED], was the catalyst for the raft of allegations against him. [REDACTED] claimed that [REDACTED] warned [REDACTED] that [REDACTED]'s appointment to [REDACTED] would be detrimental to the work environment and that, currently, [REDACTED] was seeking to undermine [REDACTED] position.

25. [REDACTED] stated that staff of the [REDACTED] had left for various reasons. [REDACTED] indicated that [REDACTED] is a difficult [REDACTED] and the UN should introduce a psychological assessment of

candidates before appointing them to [redacted] work, as some were clearly unsuitable to face the challenges arising in the [redacted]. [redacted] acknowledged that [redacted] had participated in a substantial number of interview panels for staff selected for [redacted] however, in his opinion some candidates fail to be entirely truthful in their interviews and personal history profile application forms. [redacted] said it was convenient for former disenchanted staff members to blame [redacted] for their own inadequacies and [redacted] highlighted the difficulties in managing a team of lawyers, who, according to him, routinely acted in their own self-interest.

26. [redacted] general assessment of the staff turnover rate in [redacted] was that staff had departed for a number of reasons, such as other opportunities or external professional development. When asked if [redacted] knew of any other reason staff may have left, [redacted] indicated [redacted] did not. [redacted] stated that [redacted] is a difficult [redacted] with many cultural issues impacting upon the workplace. [redacted]

27. Some [redacted] staff members interviewed by ID/OIOS supported [redacted] and explained that the work environment in [redacted] was complex and that certain colleagues were actively seeking to undermine [redacted]. In particular, [redacted] advised ID/OIOS that [redacted] relied upon certain staff members more than others because [redacted] believed those staff members were competent and reliable. It was further claimed by several staff members that complaints being generated against [redacted] were the result of a group of staff members who did not support [redacted] and who acted with impunity.

Effects upon the Workplace

28. During the course of the investigation, ID/OIOS reviewed relevant [redacted] personnel files. It was found that [redacted] staff members had initiated the rebuttal process against performance appraisals submitted by [redacted] and had been successful in their claims. However, there was only one staff assessment report, that of [redacted] which included attachments identifying remedial action taken to improve work performance, including counselling by the first reporting officer, and the staff member's subsequent improved performance appraisal. While the documents provided evidence that [redacted] management had the capacity to document their concerns, including expectations and recommendations as to how to improve a given staff member's performance, it was in fact the only such correspondence found in relation to any [redacted] staff member deemed by [redacted] management as being a "poor performer."

29. Although ID/OIOS was advised that the recruitment of [redacted] was in process, there were no [redacted] assigned to [redacted] during the course of the [redacted] investigation. Two other [redacted] funded by [redacted], were in effect vacant, as the incumbents ([redacted]) had been reassigned to other [redacted] positions as an ad hoc remedy to address their unresolved issues with [redacted].

30. Of the [redacted] current [redacted] staff members interviewed by ID/OIOS, [redacted] indicated there were no significant managerial problems within the [redacted]. The remaining [redacted] staff had either reported and/or witnessed incidents that they felt were an abuse of authority, mismanagement or harassment by [redacted]. Of the [redacted] former [redacted] staff members interviewed, [redacted] indicated their departure was related to workplace issues.

31. Each staff member who complained about [REDACTED] had an opinion as to how the workplace issues had impacted upon the [REDACTED]. To seek an objective assessment, ID/OIOS spoke with [REDACTED] in [REDACTED] and [REDACTED] colleague, [REDACTED]. [REDACTED] informed ID/OIOS that [REDACTED] office had been established to provide guidance for [REDACTED] in peacekeeping missions.

32. [REDACTED] advised that [REDACTED] and [REDACTED] went to [REDACTED] in the [REDACTED] to review the [REDACTED] with respect to their accomplishments in order to establish best practices for [REDACTED] in [REDACTED].

33. [REDACTED], there was a certain amount of reluctance by [REDACTED] to facilitate their proposed meetings with [REDACTED], [REDACTED] including the [REDACTED] and national [REDACTED] counterparts. Although the relevant meetings did eventually take place, in their opinion, it was without the proactive assistance of [REDACTED].

34. In a draft version of the report drafted by [REDACTED] and submitted to [REDACTED] [REDACTED] noted that [REDACTED] removed comments in relation to [REDACTED] dual roles as the [REDACTED] and [REDACTED] of [REDACTED] [REDACTED] believed this dual role had a detrimental effect upon the [REDACTED], as [REDACTED] undertook both functions during a [REDACTED] period. [REDACTED] was also aware of the dispute between [REDACTED] (former [REDACTED] and [REDACTED] over [REDACTED] decision to amalgamate the [REDACTED] with the [REDACTED]. Irrespective of [REDACTED] reasons for combining the [REDACTED], [REDACTED] believed the merger was detrimental to [REDACTED] and [REDACTED] final report recommended the [REDACTED] be separated.

35. [REDACTED] informed ID/OIOS of the importance of positive working relationships with [REDACTED] to achieve optimum results in any programme. [REDACTED] commented that throughout the duration of [REDACTED] visit to [REDACTED] staff complained to him about the management style of [REDACTED]. [REDACTED] was of the opinion that these problems had contributed to staff shortages within [REDACTED]. [REDACTED] also recollected an emotional breakdown by one of the [REDACTED], [REDACTED] who was crying whilst [REDACTED] spoke of [REDACTED] abusive management style.

36. [REDACTED] stated that [REDACTED] submitted [REDACTED] assessment report to the [REDACTED] [REDACTED] and [REDACTED] in [REDACTED] but has not received a substantive response to his recommendations. In [REDACTED], there was also a videoconference involving the [REDACTED] and the [REDACTED], wherein [REDACTED] was requested to provide thematic reports from the [REDACTED]. [REDACTED] advised ID/OIOS that there was still no response from [REDACTED].

37. [REDACTED] [REDACTED] were provided an opportunity by ID/OIOS to respond to the information received from [REDACTED]. [REDACTED] stated that [REDACTED] had provided a response to [REDACTED] report but [REDACTED] did not know if it had left the office of the [REDACTED], stating that they tried to accommodate both [REDACTED] and [REDACTED] during their visits, but it was somewhat difficult with [REDACTED] because [REDACTED] kept changing [REDACTED] schedule. [REDACTED]

[REDACTED]

Harassment and Verbal Abuse

44. ID/OIOS finds that [REDACTED] verbally abused [REDACTED] and [REDACTED] in relation to workplace incidents. Notwithstanding [REDACTED] perceived provocation by both parties leading to the outbursts, [REDACTED] response in each case was disproportionate, unprofessional and entirely inappropriate.

45. [REDACTED] also acknowledged that [REDACTED] and [REDACTED] were not on good terms. In response to a personal issue that should not have been sent to the entire [REDACTED], [REDACTED] sent an extremely condescending reply back to [REDACTED] and copied the [REDACTED]. The e-mail was immediately followed up by a general staff meeting organized by [REDACTED], where [REDACTED] threw books at [REDACTED] before commencing a 20-30 minute tirade against [REDACTED]. No work issues were discussed during this period of time, which provides a strong inference that the only purpose of the meeting was to publicly humiliate the staff member in front of his colleagues.

46. [REDACTED] returned to the office after having received several calls from [REDACTED] and was told, "You do not respect me. I am one black man you don't want to f... with." [REDACTED] overheard this comment when the incident took place. When questioned about the remark, [REDACTED] told ID/OIOS investigators that he told [REDACTED] "I am one black man you don't want to mess with." ID/OIOS found [REDACTED] response to this issue to be self-serving and lacking credibility. In any event, either version of the comment is considered highly inappropriate for a staff member in his position, or a staff member in general.

47. In relation to the harassment allegations made against [REDACTED] by [REDACTED], ID/OIOS finds a pattern of abuse of authority has been established by [REDACTED] subsequent inappropriate conduct in the workplace. As such, on the balance of probabilities, [REDACTED] assertion that she was the subject of verbal abuse by [REDACTED] must be considered as factual.

48. [REDACTED]

Financial Irregularities

49. The allegations concerning financial irregularities and financial mismanagement by [REDACTED] were not substantiated by ID/OIOS. In particular, there was no evidence found regarding the misappropriation of [REDACTED] by any United Nations staff member. The announcement of a donation to the [REDACTED], without any of the funds being remitted by [REDACTED] was unfortunate, but there was no credible information to suggest that the funds would not be forthcoming. Although with hindsight the announcement was premature, there is no evidence [REDACTED] acted inappropriately in relation to this matter.

VII. CONCLUSIONS

50. [REDACTED] has failed to effectively manage the human resources assigned to [REDACTED] as [REDACTED] of [REDACTED] by engaging in inequitable and inefficient work practices. As such [REDACTED] has failed to uphold the highest standards of efficiency and competency in the discharge of his functions as required by Staff Regulation 1.2 (b) and should be held accountable for his performance pursuant to Staff Regulation 1.3 (a.)

51. [REDACTED] has abused the power and authority vested in [REDACTED] by threatening to terminate staff members without due cause and acting in a retaliatory manner against staff who submitted workplace related complaints. Further, [REDACTED] did not complete the performance appraisal of [REDACTED] in a transparent and fair manner. [REDACTED] actions regarding all of these incidents are an abuse of his authority and are contrary to Staff Regulation 1.2 (a.)

52. [REDACTED] engaged in the verbal abuse of [REDACTED] staff, when [REDACTED] told [REDACTED] after an altercation that [REDACTED] was "one black man that you don't want to f** (expletive) with" and further, when [REDACTED] threw books at [REDACTED] and humiliated [REDACTED] for 20 - 30 minutes in a staff meeting. [REDACTED] actions constitute abusive behaviour against [REDACTED] staff in the workplace and contravene Staff Rule 101.2 (d.)

53. [REDACTED]

54. [REDACTED]

VIII. RECOMMENDATIONS

55. ID/OIOS offers the following recommendations:

Recommendation 1: It is recommended that [REDACTED] take appropriate action in relation to the conduct of [REDACTED]. (IV06/200/01).

Recommendation 2: [REDACTED]

Recommendation 3: It is recommended that [REDACTED] review current practices in relation to the reporting and handling of abuse of authority and mismanagement complaints in the various [REDACTED] to ensure they are addressed in a timely and transparent manner; (IV06/200/03);

Recommendation 4: It is recommended that [REDACTED] ensure that all [REDACTED] staff members undertake the system-wide, self-administered compulsory learning programme entitled "Prevention of workplace harassment, sexual harassment and abuse of authority" pursuant to ST/SGB/2005/20 (IV06/200/04).