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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*

**REPORT OF THE INVESTIGATION OF AN ALLEGATION OF
SEXUAL EXPLOITATION AND ASSAULT AGAINST [REDACTED]**

REDACTED REPORT

ID Case No. 0752-06

29 MAY 2007

STRICTLY CONFIDENTIAL

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Table of Contents

I.	INTRODUCTION	3
II.	BACKGROUND INFORMATION	3
III.	APPLICABLE LAW	3
IV.	METHODOLOGY	5
V.	INVESTIGATIVE DETAILS	5
VI.	FINDINGS	10
VII.	CONCLUSIONS	11
VIII.	RECOMMENDATIONS	11

INVESTIGATION INTO ALLEGATIONS OF SEXUAL EXPLOITATION
AND ASSAULT AGAINST [REDACTED]

I. INTRODUCTION

1. On [REDACTED] the [REDACTED] [REDACTED] referred an allegation of sexual exploitation and assault against [REDACTED] to [REDACTED] to the Investigations Division of the Office of Internal Oversight Services (ID/OIOS).

2. ID/OIOS established that a [REDACTED] national (hereafter referred to as [REDACTED]), had alleged that [REDACTED] had been involved in a sexual relationship with [REDACTED] and that [REDACTED] physically assaulted [REDACTED] when [REDACTED] informed [REDACTED] that [REDACTED] was pregnant with [REDACTED]. [REDACTED] alleged that [REDACTED] had slapped [REDACTED] and kicked [REDACTED] on [REDACTED], but added that [REDACTED] had no visible injuries as a result of this assault.

II. BACKGROUND INFORMATION

3. [REDACTED] is an [REDACTED] living in [REDACTED] with [REDACTED]. [REDACTED] is a [REDACTED] working in the [REDACTED] where [REDACTED] has been [REDACTED] since [REDACTED].

III. APPLICABLE LAW

4. Code Penal [REDACTED]

Article 256 - Assault:

“Lorsque les blessures ou les coups il sera resulte des contusions, n'auront occasionne aucune maladie ni incapacite de travail personnel de l'espece mentionnee en l'article 254, le coupable sera puni d'un emprisonnement d'un mois a un an.”

Informal Translation:

“Whosoever commits the crime of assault which results in contusions but does not result in the person being rendered incapable of work will be punished with imprisonment for between one month and one year.”

5. Conditions of Service for [REDACTED]

Rule a) of the Rules of Conduct for [REDACTED] provides:

"██████████ will discharge their functions and regulate their conduct in the interests of the UN system, NGO, CBO and Government they are serving."

Rule c) of the Rules of Conduct for ██████████ provides:
"Neither the ██████████ nor their dependents, will engage in any activity that is incompatible with the proper discharge of the ██████████'s duties."

6. ██████████ Code of Conduct on Sexual Exploitation and Sexual Abuse

"All personnel must comply with the Secretary-General's Bulletin ST/SGB/2003/13. It is strictly prohibited for all ██████████ to engage in any act of sexual exploitation, sexual abuse or other forms of humiliating, degrading or exploitative behaviour, including for example:

- Sexual activity with children (persons under the age of 18 years);
- Use of children or adults to procure sexual services for other;
- Exchange of money, employment, goods or services for sex;
- Exchange of assistance that is due to beneficiaries, for sex."

7. ST/SGB/2003/13

Section 1 - Definitions

"...the term 'sexual exploitation' means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes".

Section 2 - Scope of application

"2.2 ██████████ conducting ██████████ under United Nations ██████████ 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 3.2:

(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 and goods for sex or other humiliating, degrading or exploitative behaviour, is prohibited and

(d) Sexual relationship between United Nations Staff and beneficiaries of assistance undermine the credibility and integrity of the work of the United Nations and are strongly discouraged.

IV. METHODOLOGY

8. The ID/OIOS investigation included, but not limited to, an examination of the incident scene and the medical examination of [REDACTED]. It also included the collection and analysis of all available information and documents and interviews of [REDACTED] witnesses and the subject -- [REDACTED]

V. INVESTIGATIVE DETAILS

Interview of [REDACTED]

9. On [REDACTED] ID/OIOS interviewed [REDACTED] who stated [REDACTED] was unemployed and received no financial support from [REDACTED] who lived with [REDACTED] [REDACTED] occasionally engaged in prostitution to support [REDACTED]

10. [REDACTED] told ID/OIOS that [REDACTED] exact date not remembered, [REDACTED] met a [REDACTED] now known to [REDACTED] as [REDACTED] at the [REDACTED] [REDACTED] said that [REDACTED] who said [REDACTED] was from [REDACTED] introduced [REDACTED] and showed [REDACTED] [REDACTED] said that [REDACTED] was in the company of [REDACTED] whom [REDACTED] alleged were also working for [REDACTED] [REDACTED] said that after a brief conversation, they exchanged names and telephone numbers and established that they [REDACTED] in the same [REDACTED] [REDACTED] accepted [REDACTED] invitation to go to [REDACTED] and was then driven from the [REDACTED] to [REDACTED] in [REDACTED] accompanied by the [REDACTED] other [REDACTED]

11. [REDACTED] told ID/OIOS that when they arrived at [REDACTED] they [REDACTED] and then [REDACTED] took [REDACTED] into [REDACTED], they both [REDACTED] and had consensual sexual intercourse. [REDACTED] said that [REDACTED] was attracted to [REDACTED] and was hoping that their encounter would result in a long-term relationship. [REDACTED] told investigators that after they had sexual intercourse, [REDACTED] gave [REDACTED] [REDACTED] and told [REDACTED] to buy some [REDACTED] for [REDACTED] [REDACTED] said that during their conversations [REDACTED] had mentioned that [REDACTED] had [REDACTED], but did not mention that [REDACTED] sometimes engaged in prostitution. [REDACTED] said that the money was given to [REDACTED] in circumstances that led [REDACTED] to believe [REDACTED] was being paid for sexual services. [REDACTED] believed [REDACTED] was only suggesting that the money be used to purchase [REDACTED] and that [REDACTED] had simply paid for [REDACTED] services like any of [REDACTED] other clients. [REDACTED] said that had [REDACTED] not offered to pay, [REDACTED] would have asked for money. [REDACTED] told investigators that [REDACTED] spent a little less than [REDACTED] at the [REDACTED] and left around [REDACTED]. They agreed to stay in contact, but made no specific arrangements. [REDACTED] said that the [REDACTED] from the [REDACTED] were still [REDACTED] when [REDACTED] left.

12. [redacted] said that [redacted] called [redacted] as soon as [redacted] got home and they had a casual conversation. About [redacted] later [redacted] called [redacted] again and [redacted] invited [redacted] to [redacted]. There was no mention of sex in that discussion. [redacted] told ID/OIOS that [redacted] arrived at [redacted] around [redacted] and again saw the same [redacted] now identified to [redacted] although they left the [redacted] as soon as [redacted] entered it. [redacted] said [redacted] with [redacted] and a short time later went to [redacted] where they again [redacted] and had sexual intercourse. [redacted] said that on this and the previous occasion, [redacted]. The next morning [redacted] told [redacted] that [redacted] didn't have any money, but would pay [redacted] the following day. [redacted] said [redacted] left [redacted] at about [redacted]. The next day [redacted] called [redacted] and [redacted] again invited [redacted] to [redacted]. They [redacted] and [redacted] gave [redacted]. [redacted] said they did not have sexual intercourse and [redacted] left a short time later.

13. [redacted] told ID/OIOS that [redacted] had sexual intercourse with [redacted] in exchange for money [redacted] until the beginning of [redacted]. [redacted] said [redacted] stayed overnight [redacted] and was paid for every sexual encounter. [redacted] said that the amounts varied and [redacted] was either paid right after sex or within [redacted] if [redacted] did not have the money available. [redacted] said the last sexual encounter [redacted] had with [redacted] was in [redacted].

14. [redacted] said that sometime after this last encounter, [redacted] went to [redacted]. [redacted] had [redacted] and [redacted] got the distinct impression that [redacted] was no longer welcome in [redacted] did not return to [redacted] until [redacted] subsequently missed [redacted] menstrual cycle. [redacted] added at this point that during one of their sexual encounters, the [redacted] and [redacted] believed [redacted] became pregnant as a result.

15. [redacted] told investigators that [redacted] went to [redacted] at [redacted] on [redacted] to tell [redacted] that [redacted] was [redacted]. [redacted] said that [redacted] was alone in the [redacted] and when [redacted] told [redacted] that [redacted] had missed [redacted] monthly cycle, [redacted] immediately slapped [redacted] and kicked [redacted]. [redacted] told ID/OIOS that [redacted] didn't say anything during the assault and that [redacted] immediately left [redacted] fearing that if [redacted] stayed, [redacted] would be subjected to more violence. [redacted] said that as a result of the assault [redacted] experienced pain [redacted] but had no visible injuries. [redacted] did not tell anyone about the assault until [redacted] reported it [redacted]. [redacted] said that none of [redacted] friends or family knew that [redacted] was involved in prostitution or that [redacted] had a sexual relationship with [redacted].

16. [redacted] stated that [redacted] had told [redacted] that [redacted] was from [redacted] and that [redacted] was [redacted] and had [redacted]. When asked to describe any unusual features on [redacted] body, [redacted] said that [redacted] noticed the [redacted] was missing.

17. [redacted] was also asked to describe the inside of [redacted] and in particular, [redacted] said that the [redacted] consisted of [redacted] and had [redacted]. The [redacted] had the [redacted] whilst [redacted] there were [redacted] across [redacted]. There was a [redacted] which could only be accessed by walking past the [redacted] and [redacted]. The [redacted] to this [redacted] was at the [redacted]. [redacted] told ID/OIOS that [redacted] used to [redacted] but later [redacted] to the [redacted] said that the [redacted] in the [redacted] was [redacted] and [redacted].

that the [redacted] had [redacted]. The [redacted] was sparsely [redacted] and had a [redacted] but no [redacted] hung [redacted] in the corner of [redacted]. The [redacted] was a [redacted]. There was no [redacted]. [redacted] had a [redacted].

Medical examination

18. [redacted] was medically examined on [redacted] at a [redacted]. The examination determined that [redacted] was not pregnant and had no discernible injuries. When informed about the result of the pregnancy test, [redacted] said that [redacted] did not want to pursue any further claims against [redacted].

Interviews with [redacted]

19. ID/OIOS subsequently identified and conducted interviews with [redacted] who shared [redacted] with [redacted] during the latter part of [redacted].

20. [redacted] told ID/OIOS that [redacted] was employed as [redacted] [redacted] was sharing a [redacted] [redacted] told ID/OIOS that [redacted] moved into [redacted] around [redacted] after a [redacted] became available. [redacted] moved into [redacted] in [redacted] when a [redacted] was [redacted] [redacted] took the [redacted] had been in, who moved into the [redacted] which was [redacted].

21. [redacted] said that [redacted] recalled being at the [redacted] [redacted] when [redacted] was approached by a [redacted] who asked [redacted] for [redacted] to buy a [redacted] [redacted] gave [redacted] a small amount of money and, when asked, told [redacted] that [redacted] name was [redacted] [redacted] said that they established that they lived in [redacted] and [redacted] gave [redacted] [redacted] phone number. [redacted] then drove back to [redacted] [redacted] denied driving [redacted] back to [redacted].

22. [redacted] said that [redacted] next saw [redacted] about [redacted] later at [redacted] [redacted] didn't immediately recognise [redacted] [redacted] told [redacted] that [redacted] wanted to see [redacted] then remembered [redacted] from the [redacted] and went [redacted] to tell [redacted] [redacted] said [redacted] came [redacted] and brought [redacted] into their [redacted] [redacted] where [redacted] had a [redacted] and had a general discussion about life in [redacted] [redacted] told ID/OIOS that [redacted] didn't stay long and after [redacted] left, [redacted] warned [redacted] that [redacted] should be careful as [redacted] seemed to be a very vulnerable person looking for a relationship. [redacted] said [redacted] responded that [redacted] had previously told the [redacted] that [redacted] should call before [redacted] came to [redacted].

23. [redacted] said that about [redacted] [redacted] later, [redacted] returned from [redacted] to find [redacted] sitting in the [redacted] [redacted] apparently the [redacted] had let [redacted] into [redacted] [redacted] called [redacted] and advised [redacted] that [redacted] was at [redacted] [redacted] said [redacted] went to [redacted] and when [redacted] returned to the [redacted].

[redacted] a short time later, [redacted] had left [redacted] [redacted] said [redacted] told [redacted] that [redacted] had come to visit [redacted] and [redacted] had told [redacted] not to come to [redacted] [redacted] said [redacted] believed this was sometime around [redacted] [redacted] said [redacted] never saw [redacted] again. [redacted] told ID/OIOS that [redacted] did not think [redacted] and [redacted] were in a sexual relationship.

24. On [redacted] ID/OIOS interviewed [redacted], a [redacted] employed in the [redacted] [redacted] told investigators that [redacted] had resided in [redacted] with [redacted] and [redacted] from [redacted] until [redacted] when [redacted] was [redacted]

25. [redacted] told ID/OIOS that shortly before [redacted] was [redacted] [redacted] was at the [redacted] with [redacted] and [redacted] when [redacted] struck up a conversation with a [redacted] [redacted] said [redacted] was not part of the conversation, but heard [redacted] mention something about a [redacted] and the [redacted] being a friend. [redacted] denied that they [redacted] to [redacted] in their [redacted].

26. [redacted] told investigators that about [redacted] was visiting [redacted] former [redacted] [redacted] when the [redacted] from the [redacted] walked into the [redacted] and sat down at [redacted] [redacted] said that the [redacted] seemed familiar with [redacted] and sat at [redacted] for about [redacted] before leaving without talking to anyone. [redacted] reminded [redacted] that [redacted] was the [redacted] from the [redacted] and said that [redacted] was refusing to receive [redacted]

27. On [redacted] ID/OIOS interviewed [redacted] working in the [redacted] [redacted] told ID/OIOS that [redacted] had been living in [redacted] since [redacted]. [redacted] said that neither [redacted] nor [redacted] were involved in relationships with [redacted] during the time that [redacted] was living at [redacted]

Examination of Premises

28. ID/OIOS examined the scene of the alleged sexual contact between [redacted] and [redacted]. The premises are located about [redacted] from the [redacted] on [redacted]. The description of the premises and the layout of the interior are almost exactly as described by [redacted]. In particular, [redacted] accurately described the positions of the [redacted] and the [redacted]. Access to the [redacted] can only be made by walking [redacted]. This access point and even the existence of this [redacted] is not apparent from [redacted] or from [redacted]. [redacted] accurately described how to access this [redacted] and was able to provide significant detail on the [redacted]. [redacted] accurately described the [redacted].

Interview with the subject of the allegations – [redacted]

29. On [redacted] ID/OIOS interviewed [redacted] stated that [redacted] had attended [redacted] on sexual exploitation and abuse and that [redacted]

was aware that sexual relationships based on money was forbidden by UN Rules. [redacted] stated that sometime around [redacted] [redacted] was at the [redacted] when a [redacted] approached [redacted] and introduced [redacted] asked [redacted] to buy a [redacted] and [redacted] gave [redacted] [redacted] told ID/OIOS that [redacted] then asked [redacted] for name, address and phone number and [redacted] provided [redacted] with that information because [redacted] wanted to "[redacted] [redacted] denied ever taking [redacted] to [redacted]

30. [redacted] told investigators that towards the [redacted] [redacted] was in [redacted] when [redacted] informed [redacted] that a [redacted] was at the [redacted] asking for [redacted] said [redacted] went [redacted] and saw [redacted] waiting for [redacted] told ID/OIOS that [redacted] told [redacted] that [redacted] was not welcome and should return home. [redacted] left [redacted] a short time later.

31. [redacted] stated that about [redacted] [redacted] was on [redacted] way home from work when [redacted] called [redacted] and told [redacted] that [redacted] was waiting for [redacted] at their [redacted] [redacted] told ID/OIOS that when [redacted] got [redacted] found [redacted] in the [redacted] and that [redacted] angrily advised [redacted] to leave [redacted] and not to return.

32. [redacted] estimated that [redacted] visit lasted about [redacted] and the [redacted] about [redacted] [redacted] said [redacted] didn't see [redacted] again after [redacted] [redacted] told ID/OIOS that [redacted] statement that the [redacted] visited the [redacted] the [redacted] discussed [redacted] never happened.

33. [redacted] denied having had any contact with [redacted] apart from their initial meeting at [redacted] and the [redacted] to [redacted] [redacted] stated that [redacted] did not share any personal information with [redacted] apart from [redacted] name, address and telephone number. [redacted] confirmed to ID/OIOS that [redacted] was from [redacted] and that [redacted] was [redacted] and had a [redacted]. When asked to explain how [redacted] could have obtained this information, [redacted] said that this information was known to [redacted] [redacted] and was available to anyone with access to [redacted] [redacted] was also asked whether the [redacted] was missing and [redacted] confirmed that was correct. [redacted] said [redacted] recalled that [redacted] was wearing [redacted] the first time [redacted] visited [redacted] and that [redacted] could have noticed the missing [redacted] then.

34. When asked about [redacted] ability to describe the [redacted] [redacted] [redacted] denied that [redacted] had ever been in [redacted] and said that the [redacted] was always locked, but accessible to [redacted] theorised that [redacted] may have been able to provide details of the [redacted] to [redacted]. When asked to explain [redacted] motivation for doing this, [redacted] stated that [redacted] had a minor argument with [redacted] about cooking. [redacted] said that [redacted] no longer worked at [redacted] but [redacted] departure was unconnected to their argument.

35. [redacted] strongly denied having had sexual intercourse with [redacted] or giving [redacted] money other than the [redacted] at the [redacted] [redacted] also denied that [redacted] informed [redacted] that [redacted] was pregnant or that [redacted] assaulted [redacted] in any manner.

36. ID/OIOS attempted to locate [redacted] who was employed by [redacted] and [redacted] during the relevant period, but could not find [redacted]

VI. FINDINGS

37. In determining the findings, ID/OIOS contrasts the account of [REDACTED] with that provided by [REDACTED] and [REDACTED]. Not in issue is the fact that [REDACTED] met [REDACTED] at the [REDACTED] and that they exchanged personal details. [REDACTED] told ID/OIOS that [REDACTED] did this because [REDACTED] wanted to "assist" [REDACTED], although exactly what type of assistance [REDACTED] thought [REDACTED] could provide is unclear. [REDACTED] denies that [REDACTED] was in a sexual relationship with [REDACTED] and claims that after their initial meeting at [REDACTED] saw [REDACTED] on only [REDACTED]. According to [REDACTED], these encounters only lasted [REDACTED]. However, this is at odds with [REDACTED] evidence, which places [REDACTED] at [REDACTED] on [REDACTED], but for periods well in excess of that described by [REDACTED]. [REDACTED] also told ID/OIOS that when [REDACTED] cautioned [REDACTED] on maintaining a relationship with [REDACTED] responded by saying that [REDACTED] had advised [REDACTED] to call [REDACTED] before [REDACTED] came to [REDACTED].

38. If [REDACTED] is to be believed, then an extraordinary chain of events must have taken place for [REDACTED] to be implicated in a sexual relationship with [REDACTED].

- [REDACTED] knew personal details of [REDACTED] including [REDACTED] and that [REDACTED] had a [REDACTED]. In response, [REDACTED] infers that [REDACTED] may have passed on this information, or that [REDACTED] may have somehow accessed details in [REDACTED], despite the fact that [REDACTED] is not a [REDACTED].

- [REDACTED] correctly stated that [REDACTED] was missing a [REDACTED]. In response, [REDACTED] was able to recall (some [REDACTED] after the event) that [REDACTED] was wearing [REDACTED] when [REDACTED] made what [REDACTED] said was [REDACTED] visit to [REDACTED].

- [REDACTED] was also able to describe in great detail the interior of [REDACTED] over the relevant period. [REDACTED] proffered the theory that a [REDACTED] formerly [REDACTED], passed on a detailed description of [REDACTED]. To accept this theory would be accepting that [REDACTED] and [REDACTED] conspired to make false allegations against [REDACTED]. ID/OIOS considers that this scenario is highly improbable. In addition, [REDACTED] described the [REDACTED] in [REDACTED] first interview with investigators and ID/OIOS considers it highly unlikely that [REDACTED] would have suspected that [REDACTED] would be requested to provide such a detailed description of [REDACTED] at that juncture.

39. [REDACTED]'s motivation for making a complaint to the UN about [REDACTED] was based on [REDACTED] mistaken belief that [REDACTED] was [REDACTED] to [REDACTED] does not appear to have had any other agenda apart from seeking support for [REDACTED]. On learning that [REDACTED] was not pregnant, [REDACTED] told ID/OIOS that [REDACTED] did not want to pursue the matter against [REDACTED].

40. ID/OIOS considers that by any objective assessment, the account of [REDACTED] is more credible than that of [REDACTED].

41. ID/OIOS, on the balance of probabilities, suggests that following their initial meeting at [REDACTED] [REDACTED] commenced a sexual relationship with [REDACTED]. During the course of this relationship, [REDACTED] and [REDACTED] had consensual sexual intercourse on a number of occasions until [REDACTED] terminated their relationship in [REDACTED]. ID/OIOS established that this sexual activity took place in [REDACTED] in [REDACTED].

42. ID/OIOS established from the testimony of [REDACTED] that [REDACTED] paid [REDACTED] for every sexual encounter with various amounts of money. ID/OIOS calculated from [REDACTED]'s testimony that [REDACTED] paid [REDACTED] an average of [REDACTED] for each sexual encounter. On some occasions the money was paid immediately after sex and on other occasions it was paid in the days following the encounter.

43. In the absence of medical evidence or an independent witness, ID/OIOS was unable to establish with any certainty whether [REDACTED] assaulted [REDACTED] as [REDACTED] alleged.

VII. CONCLUSIONS

44. ID/OIOS established on the balance of probabilities that [REDACTED] violated Rule a) of the Rules of Conduct for [REDACTED] in that [REDACTED] failed to discharge [REDACTED] function and regulate [REDACTED] conduct in the interests of the UN system.

45. ID/OIOS established on the balance of probabilities that [REDACTED] violated the [REDACTED] Code of Conduct on Sexual Exploitation and Sexual Abuse by failing to comply with the Secretary-General's Bulletin (ST/SGB/2003/13) prohibiting the exchange of money for sex.

VIII. RECOMMENDATIONS

46. In view of the preceding findings, ID/OIOS makes the following recommendations:

Recommendation 1: It is recommended that the [REDACTED] provide a copy of this report to the [REDACTED] and the [REDACTED] for appropriate action to be taken against [REDACTED] for violating the [REDACTED] Code of Conduct on Sexual Exploitation and Sexual Abuse and ST/SGB/2003/13 and that the results of any action be reported back to [REDACTED] for passage to ID/OIOS. ([REDACTED])

Recommendation 2: It is recommended that [REDACTED] ensure that [REDACTED] attend induction training and that they sign the [REDACTED] Code of Conduct and the [REDACTED] Code(s) or Conduct. ([REDACTED])

