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**OFFICE OF INTERNAL OVERSIGHT SERVICES  
INVESTIGATIONS DIVISION**

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*This Report is protected by paragraph 18 of  
ST/SGB/273 of 7 September 1994*

**REPORT OF THE INVESTIGATION OF AN ALLEGATION OF  
RAPE AGAINST [REDACTED]**

**REDACTED REPORT**

**ID Case No. 0182-07**

**15 AUGUST 2007**

**STRICTLY CONFIDENTIAL**

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 confidentiality and sensitive information. OIOS's transmission of this Report does not constitute its publication. OIOS does not bear any responsibility for any further dissemination of the Report.

## Table of Contents

I.	INTRODUCTION .....	3
II.	BACKGROUND INFORMATION.....	3
III.	APPLICABLE LAW.....	3
IV.	METHODOLOGY.....	5
V.	INVESTIGATIVE DETAIL.....	5
	Allegation.....	5
	a. Complainant interview.....	5
	b. Witness interviews.....	6
	c. Subject interview.....	8
	d. Other inquiries.....	9
VI.	FINDINGS.....	9
VII.	CONCLUSIONS.....	10
VIII.	RECOMMENDATIONS.....	10

# INVESTIGATION INTO AN ALLEGATION OF RAPE BY [REDACTED]

## I. INTRODUCTION

1. On [REDACTED] the Investigations Division of the Office of Internal Oversight Services (ID/OIOS) received, from [REDACTED] an allegation of rape against [REDACTED] in [REDACTED]. Specifically, it was alleged that [REDACTED] raped [REDACTED] (hereafter referred to as [REDACTED]) at [REDACTED] in [REDACTED]. This matter was also the subject of investigation by [REDACTED] authorities.

2. ID/OIOS interviewed [REDACTED] on [REDACTED]. During the [REDACTED] interview [REDACTED] made full admissions to the offence of rape. [REDACTED] later signed and adopted the record of interview as an accurate account of [REDACTED] interview with investigators. ID/OIOS provided the preliminary findings of its investigation to [REDACTED] and the [REDACTED] by memorandum, dated [REDACTED] and [REDACTED] employment contract was subsequently terminated and [REDACTED] left [REDACTED].

## II. BACKGROUND INFORMATION

3. [REDACTED] was established by [REDACTED] [REDACTED] is [REDACTED] current strength ( [REDACTED] is [REDACTED] including [REDACTED] and [REDACTED] are supported by [REDACTED] and [REDACTED].

4. [REDACTED] is [REDACTED] national. [REDACTED] commenced work with the UN as [REDACTED] at the beginning of [REDACTED] where [REDACTED] worked as a [REDACTED] in [REDACTED]. [REDACTED] UN employment was subsequently terminated and [REDACTED] is now believed to be residing in [REDACTED] is a [REDACTED]-old [REDACTED] currently residing with [REDACTED].

## III. APPLICABLE LAW

5. [REDACTED] Penal Code

La Loi sur les violences sexuelles

Article 170

*"Quiconque sera reconnu coupable de viol sera puni d'une peine de servitude pénale de cinq à vingt ans et d'une amende ne pouvant être inférieure à cent mille [REDACTED] constants. Celui qui aura commis un viol, soit à l'aide*

*de violences ou menaces graves, soit par ruse, soit en abusant d'une personne qui, par l'effet d'une maladie, par l'altération de ses facultés ou par toute autre cause accidentelle, aurait été privée par quelque artifice."*

Informal English translation by OIOS

The Law on sexual violence

*Whoever has committed rape, either by using violence or serious threats or by constraint directly against a person or by intermediary of a third, either by surprise, by psychological pressure or by coercion, or by abusing a person who by the fact of an illness, by the change of his/her faculties or by any other accidental reason would have lost the use of his/her senses or would have been deprived of it by some trick will be guilty of rape, and sentenced from five to twenty years of imprisonment and fined no less than [REDACTED]*

6. [REDACTED] Penal Code

Section 375

*"A man is said to commit 'rape' who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:-*

*First - Against her will.*

*Secondly - Without her consent.*

*Thirdly - With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt."*

Section 3

Punishment of offences committed beyond but which by law may be tried within [REDACTED]

*"Any person liable, by any 7\* [REDACTED] law] to be tried for an offence committed beyond 5\* [REDACTED] shall be dealt with according to the provisions of this Code for any act committed beyond 5\* [REDACTED] in the same manner as if such act had been committed within 5\* [REDACTED]."*

Section 4

Extension of Code to extra-territorial offences

*"The provisions of this Code apply also to any offence committed by-*

*<sup>19</sup> (1) any citizen of [REDACTED] in any place without and beyond [REDACTED]"*

7. Rules of Conduct for [REDACTED] # 6

██████████ will, at all times, respect the laws, moral codes, and traditions prevailing in the host country.”

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

“It is strictly prohibited for all ██████████ to engage in any act of sexual abuse and sexual exploitation, or other form of sexually humiliating, degrading or exploitative behavior; any type of sexual activities with children; use of children or adults to procure sexual services for others; exchange of money, employment, goods or services for sex with prostitutes or others; any sexual favor in exchange of assistance provided to the beneficiaries of such assistance, such as food or other items provided to refugees; visits to brothels or places which are declared off-limits.”

#### IV. METHODOLOGY

9. The ID/OIOS interviewed civilians and UN staff members, including ██████████ and the subject, ██████████. In addition, ID/OIOS examined the alleged crime scene, and analyzed all collected, relevant information and documents, including the case file of ██████████.

#### V. INVESTIGATIVE DETAILS

##### Allegation

10. On ██████████ informed the ██████████ that a person ██████████ identified as ██████████ had raped ██████████ on ██████████. On ██████████ the ██████████ visited ██████████ premises where ██████████ was arrested and taken to a ██████████ facility. ██████████ was eventually released with the assistance of a ██████████ on the grounds that ██████████ immunity had not been waived.

##### a. Complainant interview

##### Interview with victim (██████████)

11. ID/OIOS interviewed ██████████ on ██████████. ██████████ is a ██████████ at the ██████████. ██████████ stated that ██████████ first met ██████████ late in the ██████████ of ██████████, when a ██████████ (hereafter referred to as ██████████) asked ██████████ to go with ██████████ to ██████████ in ██████████.

12. On arrival at ██████████ and ██████████ entered a ██████████ occupied by a ██████████ described as being of ██████████ (hereafter referred to as ██████████) was there with a ██████████ (hereafter referred to as ██████████) and after a short time, another ██████████ who introduced ██████████ as ██████████ joined them. ██████████ was later identified as ██████████. After a brief conversation, ██████████ invited ██████████ and ██████████ to ██████████ located at the ██████████. On arrival at ██████████ they sat in ██████████ and were offered ██████████. ██████████ stated that shortly afterwards, ██████████ and ██████████ went to a ██████████ located at ██████████.

According to [REDACTED] tried to talk to [REDACTED], but [REDACTED] could not understand [REDACTED] then began making sexual advances by touching [REDACTED] face, shoulder and breasts. When [REDACTED] refused [REDACTED] advances, [REDACTED] went into [REDACTED] at the rear of [REDACTED] and spoke to [REDACTED] then called [REDACTED], whereupon [REDACTED] went to the [REDACTED] asked [REDACTED] what the problem was considering that [REDACTED] was a "grown-up" [REDACTED] returned to [REDACTED] where once again [REDACTED] attempted to touch [REDACTED] [REDACTED] again resisted [REDACTED] advances and [REDACTED] returned to [REDACTED] and had another conversation with [REDACTED] and [REDACTED] stated that [REDACTED] could not tell what they were saying.

13. A short time later, [REDACTED] and [REDACTED] came out of [REDACTED] and left [REDACTED] [REDACTED] then became more aggressive, grabbed [REDACTED] arms and pulled [REDACTED] towards [REDACTED]. [REDACTED] tried to push [REDACTED] away, but was unable to break [REDACTED] grasp.

14. [REDACTED] further stated that [REDACTED] pulled [REDACTED] into [REDACTED], pushed [REDACTED] onto [REDACTED] climbed on top [REDACTED] pinned [REDACTED] with [REDACTED] and held [REDACTED] above [REDACTED] [REDACTED] then tore [REDACTED] revealing [REDACTED], pulled down [REDACTED] and had sexual intercourse with [REDACTED] [REDACTED] added that [REDACTED] tried to scream for help, but [REDACTED] placed [REDACTED] hand over [REDACTED] mouth. According to [REDACTED], who [REDACTED] believed did not use [REDACTED], ejaculated and [REDACTED] started to cry. According to [REDACTED] allowed [REDACTED] to get up and [REDACTED] ran into [REDACTED] where [REDACTED] followed [REDACTED] and handed [REDACTED] [REDACTED] added that [REDACTED] offered [REDACTED] and asked [REDACTED] to come back to see [REDACTED] the following day; [REDACTED] promised to give [REDACTED] money, clothes and jewelry. [REDACTED] stated [REDACTED] felt obliged to eat, but then left the premises.

15. [REDACTED] estimated that [REDACTED] was at [REDACTED] for about [REDACTED]. When [REDACTED] arrived home [REDACTED] were absent and as a result [REDACTED] was able to conceal [REDACTED] torn clothing.

16. According to [REDACTED] was too frightened and ashamed to tell anyone about the incident and over [REDACTED] began to feel very ill. [REDACTED] stated that [REDACTED] had a fever, felt weak, was experiencing nightmares and was prone to sudden bursts of tears. On [REDACTED] took [REDACTED] to a hospital, but [REDACTED] was only treated for [REDACTED] [REDACTED] couldn't stop crying and finally told [REDACTED] about the assault. On [REDACTED] [REDACTED] (hereafter referred to as [REDACTED]) took [REDACTED] to the [REDACTED] and reported the matter. The next day [REDACTED] had a [REDACTED]

#### b. Witness interviews

##### Interview with [REDACTED]

17. [REDACTED] is a [REDACTED] at the [REDACTED] and was identified as the [REDACTED] who accompanied [REDACTED] to [REDACTED] on [REDACTED] [REDACTED] corroborated [REDACTED]'s account of how they happened to be in [REDACTED] but denied being in a [REDACTED] [REDACTED] stated that after being in [REDACTED] for some time [REDACTED] and [REDACTED] left and [REDACTED] told [REDACTED] that [REDACTED] intended to stay. [REDACTED] further stated that about [REDACTED] told

█ that █ intended to "cause problems" for █ because █ had not given █ money █ had promised.

18. █ denied: a) being a prostitute; b) knowing █ before the events of █ and c) having sex with █. ID/OIOS tried to clarify apparent inconsistencies in █'s account; however, █ then became uncooperative. (A copy of █'s record of conversation with ID/OIOS is █)

Interview with █

19. ID/OIOS interviewed █ a █ █ confirmed that █ was at █ premises on the day of the alleged incident. █ told ID/OIOS that █ met █ and █ in the █ near █ and invited them to █. According to █ upon their arrival at █ was introduced to █ who █ did not previously know. █ then suggested that █ and █ go to █ █ corroborated █'s account and maintained that █ never left █ stated that █ said that █ wanted to speak to █ and so █ left with █ leaving █ and █ in the █ alone. ID/OIOS tried to clarify apparent inconsistencies in █'s account, however █ became aggressive and uncooperative. (A copy of █'s record of conversation is █)

Interview with █

20. ID/OIOS interviewed █ a █ stated that █ had known █ since █ moved into the █ in █ further stated that on █ was in █ in the company of █ when █, whom █ had never met before, came to █ asking for █ invited the █ inside and █ arrived █ later. █ said that █ and █ were already acquainted as █ had introduced them █. Following a brief conversation, █ and █ accompanied █ to █ at the █. Approximately █ later, █ and █ returned, and then left the █. █ added that about █ later, █ returned to █ and inquired as to the whereabouts of █. According to █ appeared frightened and was holding █ close to █ as if █ was cold. After █ told █ that █ and █ were no longer present, █ left █ (Copies of █'s records of conversation are attached █)

Interview with █

21. ID/OIOS interviewed █ a █, who at the relevant time was █ stated to the investigators that █ was a █ but █ did not know the nature of their relationship. █ refused to make specific comments about the events of █ explaining that █ instructed █ not to talk to anybody about that day. And as █ was █ reliant on █ █ did not want to jeopardize █ ID/OIOS attempted to re-interview █ when █ was no longer █ by █, but █ could not be located. (A copy of █'s record of

conversation is [REDACTED]

Interview with [REDACTED]

22. ID/OIOS interviewed [REDACTED], the [REDACTED] and a [REDACTED] at a local [REDACTED] in [REDACTED]. When [REDACTED] informed [REDACTED] about the rape, [REDACTED] took [REDACTED] to the [REDACTED] on [REDACTED] and lodged an official complaint. On the [REDACTED] and [REDACTED] accompanied the [REDACTED] to [REDACTED] where [REDACTED] was informed about the nature of allegation. [REDACTED] stated that [REDACTED] asked the [REDACTED] to let [REDACTED] go to work and [REDACTED] would settle the dispute later. [REDACTED] added that [REDACTED] refused and then introduced [REDACTED] as the [REDACTED]. According to [REDACTED], [REDACTED] then knelt in front [REDACTED] and begged for forgiveness, saying that [REDACTED] did not want to lose [REDACTED] and that [REDACTED] would marry [REDACTED] if that would make things right. (A copy of the record of the meeting with [REDACTED])

c. Subject interview - [REDACTED]

23. [REDACTED] was interviewed by ID/OIOS on [REDACTED] and again on [REDACTED]. [REDACTED] initially denied assaulting [REDACTED], however, mid-way through [REDACTED] interview [REDACTED] changed [REDACTED] account and made full admissions to the rape.

24. [REDACTED] stated to ID/OIOS that in [REDACTED] [REDACTED] commenced a sexual relationship with [REDACTED]. [REDACTED] estimated that they had sexual relations on [REDACTED] between [REDACTED]. Although [REDACTED] had given [REDACTED] money for [REDACTED] and [REDACTED] didn't initially suspect that [REDACTED] was a prostitute. [REDACTED] described their relationship as a friendship and said [REDACTED] had even given [REDACTED] a key to [REDACTED] so that [REDACTED] could come to eat and rest.

25. [REDACTED] further stated that on [REDACTED] [REDACTED] had spent the [REDACTED] at [REDACTED]. At about [REDACTED] [REDACTED] of [REDACTED] arrived at [REDACTED] and they were introduced. [REDACTED] boasted that [REDACTED] could provide [REDACTED] with a prostitute and [REDACTED] accepted this offer. [REDACTED] then made a phone call and a short time later, [REDACTED] arrived at the premises. According to [REDACTED], despite their existing relationship, [REDACTED] treated [REDACTED] as a complete stranger. It was at this point that [REDACTED] realized that [REDACTED] was a prostitute. When [REDACTED] learned that [REDACTED] was being asked to provide sexual services to [REDACTED], [REDACTED] arranged for [REDACTED] to also come to [REDACTED]. [REDACTED] added that [REDACTED] thought [REDACTED] did not want [REDACTED] to know that [REDACTED] had been engaged in sexual activity with [REDACTED].

26. In addition, [REDACTED] stated that [REDACTED] [REDACTED] and [REDACTED] then went to [REDACTED] at the [REDACTED]. [REDACTED] told [REDACTED] that [REDACTED] was in a relationship with [REDACTED] and [REDACTED] offered them the use [REDACTED]. [REDACTED] further stated [REDACTED] and [REDACTED] went to [REDACTED] but did not engage in any sexual activity [REDACTED] to the [REDACTED] on [REDACTED] and saw that they were only talking. [REDACTED] left a short time later, leaving [REDACTED] alone with [REDACTED].

27. [REDACTED] informed the investigators that the realization that [REDACTED] was a prostitute made [REDACTED] angry and determined to have sex with [REDACTED]. [REDACTED] initially claimed

that [redacted] agreed to have sex with [redacted] for [redacted] but during [redacted] admitted that [redacted] rejected [redacted] sexual advances and as a result of [redacted] intoxication and anger [redacted] "lost control". [redacted] stated that [redacted] grabbed [redacted]'s arm, pulled [redacted] into [redacted] and forcibly had sexual intercourse with [redacted]. [redacted] gave [redacted] and promised [redacted] another [redacted] if [redacted] returned the next day. [redacted] added that [redacted] ate some food before [redacted] left [redacted].

28. [redacted] told ID/OIOS that [redacted] arrested [redacted] on [redacted]. [redacted] was present and [redacted] admitted breaking down and kneeling at [redacted] feet, begging for forgiveness. (Copies of [redacted] records of interview with ID/OIOS are [redacted].)

#### d. Other Inquiries

#### Examination of the Incident Scene

29. On [redacted] ID/OIOS conducted an examination of [redacted] in [redacted] and found the interior of the [redacted] matched the description provided by [redacted].

30. ID/OIOS also examined and photographed the [redacted] worn by [redacted] on [redacted]. Both items were torn, consistent with [redacted] account. (Copies of these photographs [redacted].)

#### [redacted] Investigation

31. The [redacted] also conducted an investigation into this allegation. ID/OIOS investigators obtained a copy of the [redacted] statements and other documentary evidence in relation to the alleged incident. The statements, other than [redacted], are consistent with the information obtained by ID/OIOS. When [redacted] was interviewed by the [redacted] on [redacted] [redacted] denied having had sexual relations with [redacted]. (Copies of the [redacted].)

32. Included in the material provided by the [redacted] was a [redacted] pertaining to the [redacted] of [redacted] at a [redacted] on [redacted]. The findings of the [redacted] were inconclusive, as no injuries, abrasions or marks that could be attributed to this incident were noted on the [redacted]. (A copy of [redacted].)

### VI. FINDINGS

33. The [redacted] has stated in [redacted] [redacted] [redacted], that "the Administration is not required to prove its case beyond reasonable doubt. It has only to present adequate evidence in support of its conclusions and recommendations. Adequate means 'reasonably sufficient for legal action', in other words, sufficient facts to permit a reasonable inference that a violation of law had occurred". ID/OIOS uses this standard in the conduct of administrative investigations of UN staff.

34. ID/OIOS established that on [REDACTED] raped [REDACTED]. In mitigation, [REDACTED] claimed to have been affected by alcohol and said [REDACTED] believed [REDACTED] was a prostitute supplied by [REDACTED] and a [REDACTED] with whom [REDACTED] had a series of brief sexual encounters [REDACTED]. [REDACTED] stated to ID/OIOS that [REDACTED] had become angry at the realization that [REDACTED] was a prostitute and this made [REDACTED] determined to have sexual intercourse with [REDACTED].

## VII. CONCLUSIONS

35. ID/OIOS established that [REDACTED] violated Article 170 of the [REDACTED] Penal Code by engaging in sexual intercourse with [REDACTED] by violence, threat and constraint.

36. ID/OIOS established that [REDACTED] violated Section 375 of the [REDACTED] Penal Code by engaging in sexual intercourse with [REDACTED] against [REDACTED] will and without [REDACTED] consent.

37. ID/OIOS established that [REDACTED] violated Rule 6 of the Rules of Conduct for [REDACTED] by failing to respect the laws of the host country, specifically Article 170 of the [REDACTED] Penal Code.

38. ID/OIOS established that [REDACTED] violated the [REDACTED] Code of Conduct on Sexual Exploitation and Abuse.

## VIII. RECOMMENDATIONS

39. In view of the preceding findings, ID/OIOS recommends as follows:

Recommendation 1: It is recommended that the [REDACTED] considers the referral of this matter to the [REDACTED] for any action they deem appropriate for possible violations of the [REDACTED] Penal Code. [REDACTED]

Recommendation 2: It is recommended that pursuant to Section 3 of the [REDACTED] Penal Code, the [REDACTED] refers this matter to the [REDACTED] to the United Nations for any action they deem appropriate for possible violations of the [REDACTED] Penal Code. [REDACTED]

Recommendation 3: It is recommended that the [REDACTED] provides a copy of this report to the [REDACTED] for their review and onward transmission to the [REDACTED]. [REDACTED]