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**OFFICE OF INTERNAL OVERSIGHT SERVICES
INVESTIGATIONS DIVISION**

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

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

REDACTED REPORT

ID Case No. 0464-06

30 NOVEMBER 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.

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I. INTRODUCTION

1. On [REDACTED] the Investigations Division of the Office of Internal Oversight Services (ID/OIOS), received an allegation of attempted rape against [REDACTED].
2. In a statement made to [REDACTED] [REDACTED] the victim (hereinafter referred to as [REDACTED]) stated that [REDACTED] needed to contact [REDACTED] and had gone to a [REDACTED] [REDACTED] had indicated that [REDACTED] [REDACTED] could use, but that after entering [REDACTED] [REDACTED] attempted to rape [REDACTED].

II. BACKGROUND

3. On [REDACTED] immediately after the [REDACTED] [REDACTED] pledged [REDACTED], including the [REDACTED] [REDACTED]. As part of this endeavor, and in furtherance of [REDACTED] [REDACTED] from various [REDACTED] were [REDACTED].
4. The subject of the allegation ([REDACTED]), is a [REDACTED] who arrived in [REDACTED]. In a document dated [REDACTED] [REDACTED] signed an undertaking and declaration that acknowledged [REDACTED] understanding of [REDACTED] obligations as [REDACTED] [REDACTED], with respect to sexual exploitation and abuse. (A copy of that undertaking and declaration is attached at [REDACTED]. At the time of the alleged incident, [REDACTED] was [REDACTED]. [REDACTED] completed [REDACTED] [REDACTED] and was repatriated to [REDACTED].
5. At the time of the alleged incident [REDACTED] [REDACTED] d as [REDACTED] [REDACTED]. The [REDACTED] [REDACTED] are located in [REDACTED].

III. APPLICABLE LAW

6. [REDACTED] Act [REDACTED] Section 151 (1)

"There shall be deemed to commit the offence of gross indecency, whoever commits any act contrary to another person's modesty, or does any sexual act with another person not amounting to adultery, or sodomy and he shall be punished with whipping, not exceeding forty lashes, and he may also be punished with imprisonment for a term not exceeding one year or with a fine."

7. [REDACTED]nal Act [REDACTED] – Section 156

"Whoever seduces any person by inducing, taking or assisting in taking or abduction of such person...to commit the offence of adultery, or sodomy or obscene practicing prostitution...shall be punished with whipping not

exceeding a hundred lashes or with imprisonment for a term not exceeding five years."

8. [REDACTED]nal Ac [REDACTED]-Section 164

"Whoever confines any person, by intentionally obstructing him so as to prevent his movement, or unlawfully changes his direction, shall be punished, with imprisonment, for a term, not exceeding three months, or with fine, or with both."

9. Code of Personal Conduct for [REDACTED] Rule 1

"Dress, think, talk, act and behave in a manner befitting the dignity of a disciplined, caring, considerate, mature, respected and trusted [REDACTED], displaying the highest integrity and impartiality. Have pride in your position as [REDACTED] and do not abuse or misuse your authority."

10. Code of Personal Conduct for [REDACTED] Rule 2

"Respect the law of the land of the host country, their local culture, tradition, customs and practices."

11. Code of Personal Conduct for [REDACTED]: Rule 3

"Do not indulge in immoral acts of sexual, physical or psychological abuse or exploitation of the local population or United Nations staff, especially women and children."

12. Directives for Disciplinary Matters Involving [REDACTED]

"*Serious Misconduct: Any act, omission or negligence, including criminal acts, that is a violation of [REDACTED] standard operating procedures, directives, or any other applicable rules, regulations or administrative instructions that results in or is likely to result in serious damage or injury to an individual or to [REDACTED]. Serious misconduct includes, but is not limited to:*

Sexual abuse and exploitation of any individual, particularly children."

IV. METHODOLOGY

14. The ID/OIOS investigation included interviews with [REDACTED] witnesses and the subject, [REDACTED]. Pertinent documents were also reviewed and analyzed.

V. INVESTIGATIVE DETAILS

[REDACTED] Police Enquiry

15. ID/OIOS ascertained that the [REDACTED] had conducted a preliminary inquiry into the allegation and interviewed several witnesses who

confirmed having seen [redacted] emerging from [redacted] at the [redacted] where [redacted] alleged that [redacted] had been lured to [redacted] by the promise of the [redacted]. Once in [redacted], [redacted] allegedly attempted to rape [redacted], but [redacted] had fought [redacted].

16. ID/OIOS ascertained that th [redacted] had collected physical evidence consisting [redacted] on which the [redacted] alleged there was [redacted]. It was alleged that this [redacted] occurred when [redacted] failed to [redacted] and had [redacted].

17. ID/OIOS ascertained that on the basis of the witness statements and physical evidence, including [redacted] concluded that [redacted] had not been raped. [redacted] was subsequently charged with attempted rape.

18. ID/OIOS interviewe [redacted], who stated that [redacted] informed [redacted] that [redacted] had gone to [redacted] with a [redacted] and met a [redacted] who offered [redacted] use of [redacted]. As a result, they went together to [redacted] which upon entry [redacted] discovered was [redacted]. [redacted] asked for the [redacted] was told that someone else had it. [redacted] stated that [redacted] then informed [redacted] that the [redacted], returning [redacted] whereupon [redacted] and allegedly attempted to rape [redacted], who fought [redacted], but sustained [redacted] injuries in the process.

20. ID/OIOS reviewed th [redacted] file [redacted], the investigating [redacted] assigned to the [redacted], account reflected in [redacted] notes, was ostensibly the same as that later detailed by [redacted] to ID/OIOS.

21. ID/OIOS reviewed the written statement of a witness (hereafter referred to as [redacted]) stated [redacted] follow [redacted] to [redacted] that they were in the [redacted] stated that [redacted] then attended at [redacted] whereupon [redacted] found the [redacted] closed. [redacted] then called out [redacted] ordering [redacted] to exit [redacted], which [redacted] immediately did. [redacted] further stated that [redacted] then exited [redacted] but said nothing and a short time later was escorted away by [redacted] added that [redacted] told [redacted] that [redacted] had attended [redacted] to use [redacted]; that [redacted] returned to [redacted] without the promised [redacted] and thereupon assaulted [redacted] who resisted the attack. [redacted] statement does not detail the nature of the alleged assault.

ID/OIOS Investigation

22. ID/OIOS conduct [redacted] informed ID/OIOS that, at the time of the alleged incident, [redacted] had been upset to hear that [redacted], who resided [redacted], was [redacted] and had asked [redacted] could contact [redacted]. One of [redacted] (hereinafter referred to as [redacted]) told [redacted] that [redacted] had a [redacted] that [redacted] could use. [redacted] and [redacted] left

and went to [REDACTED] At the [REDACTED] they found [REDACTED] (whose name was unknown to [REDACTED] but who has been identified as [REDACTED] sitting [REDACTED] then left in search of [REDACTED] with the [REDACTED] went to [REDACTED] A short time later, [REDACTED] came to [REDACTED] advising that [REDACTED] was unavailable.

23. [REDACTED] said that [REDACTED] at the [REDACTED] for a while, during which time [REDACTED] saw [REDACTED] beckoning [REDACTED] to come to [REDACTED] which [REDACTED] did. [REDACTED] had found a [REDACTED] to which [REDACTED] responded in the negative. [REDACTED] then offered [REDACTED] that [REDACTED] could use for [REDACTED] and [REDACTED] invited [REDACTED] a [REDACTED], which, upon entry, [REDACTED] saw was [REDACTED] then left [REDACTED] for about [REDACTED] allegedly in search of [REDACTED] and upon [REDACTED], locked the [REDACTED] stated that [REDACTED] then stood up and asked [REDACTED] why [REDACTED] was at [REDACTED] and where was [REDACTED] responded that [REDACTED] was at [REDACTED] and that [REDACTED] was glad that [REDACTED] had come. [REDACTED] then put [REDACTED] hands on [REDACTED] and pushed [REDACTED] and then into a [REDACTED] saying that nothing would [REDACTED] tried to resist [REDACTED] was too heavy—that [REDACTED] had [REDACTED] full weight on [REDACTED] which prevented [REDACTED] from [REDACTED] even though [REDACTED] talking [REDACTED] that during the struggle [REDACTED] had reached for [REDACTED] and scratched [REDACTED] on the [REDACTED]

24. [REDACTED] further stated that during the attack, [REDACTED] did not fully remove [REDACTED] was exposed and that [REDACTED] onto [REDACTED] but there was no [REDACTED] stated that after the attempted rape, [REDACTED] tried calming [REDACTED] stating that there was nothing to be scared of.

25. [REDACTED] stated that [REDACTED] to the [REDACTED] and asked what [REDACTED] was doing there. [REDACTED] responded that [REDACTED] had come to [REDACTED] told [REDACTED] to get out of [REDACTED] said that [REDACTED] then unlocked the [REDACTED] followed and saw [REDACTED] talking with [REDACTED] and [REDACTED] stated that [REDACTED] was then taken by [REDACTED] and [REDACTED] to [REDACTED] where [REDACTED] was questioned as to why [REDACTED] was in [REDACTED] to which [REDACTED] recounted [REDACTED] stated that [REDACTED] did not tell the [REDACTED] about the assault as [REDACTED] had slapped [REDACTED] stated that [REDACTED] was subsequently taken to the [REDACTED]

26. At [REDACTED] was told that [REDACTED] is clean". [REDACTED] stated that [REDACTED] was given some [REDACTED] in [REDACTED] resulting from [REDACTED] struggle with [REDACTED] stated that [REDACTED] was then instructed to visit [REDACTED] to confirm the results of [REDACTED] which [REDACTED] did. The [REDACTED] stated that [REDACTED] "was clean". When [REDACTED] queried what "clean" meant, [REDACTED] was told that it meant that [REDACTED] had not had sex. When asked why [REDACTED] had undergone [REDACTED] stated that the [REDACTED] doubted [REDACTED]. [REDACTED] said [REDACTED] was questioned by [REDACTED] and the [REDACTED] and detained for [REDACTED] before being allowed to leave.

27. [REDACTED] is a colleague of [REDACTED] who advised ID/OIOS that [REDACTED] left [REDACTED] and walked with [REDACTED] in search of a [REDACTED] to [REDACTED] stated that upon arrival at [REDACTED] and [REDACTED]

found a [redacted] stated that [redacted] and the [redacted] exchanged introductions, [redacted] could not remember the [redacted]. However, [redacted] recalled that the [redacted] stated that [redacted] and the [redacted] and went in search of [redacted] to use. Upon [redacted] return, [redacted] found that [redacted] and the [redacted] were gone. [redacted] later came to [redacted] and said that [redacted] had just had a problem with the [redacted] whom they had met [redacted]. [redacted] stated that [redacted] later learned about the problem from [redacted], who informed [redacted] that [redacted] had found [redacted] inside [redacted] and that [redacted] had told [redacted] that [redacted] had been in search of [redacted].

28. ID/OIOS interview [redacted] and who resides [redacted] informed ID/OIOS that [redacted] who told [redacted] that a [redacted] had entered a [redacted] belonging to a [redacted] stated that [redacted] knew that the [redacted] were referring to was [redacted] holding the [redacted] stated that as [redacted] and [redacted] approached [redacted] they saw the [redacted] leaving the room. [redacted] asked the [redacted] if [redacted] had a [redacted] inside [redacted] and, if so, [redacted] should come out because the [redacted] were angry and they wanted [redacted] to come out.

29. [redacted] stated that [redacted] re-entered [redacted] and, shortly thereafter, [redacted] exited [redacted] stated that the [redacted] escorted the [redacted] out of [redacted] and wanted the [redacted] to accompany them. However, [redacted] explained that this was not possible as the [redacted] was a [redacted] and that there were legal procedures to be followed if they wanted the [redacted] to go with them.

30. ID/OIOS also interview [redacted] who stated that [redacted] whom [redacted] knew worked with the [redacted] the reason for this, [redacted] responded that [redacted] had gone to take [redacted] out of [redacted].

31. ID/OIOS interview [redacted], who stated that on [redacted] was at [redacted] because [redacted] had planned to have [redacted] stated that, initially, all [redacted] had been sitting at the [redacted] left to put [redacted] and [redacted] remained at [redacted] and other [redacted] were seated. [redacted] said [redacted] was familiar with the [redacted] because the [redacted] used to watch [redacted] and [redacted] stated that the [redacted] had a difficult [redacted] but [redacted] knew that the [redacted] because of the [redacted].

32. [redacted] stated that while at [redacted] and spoke to [redacted] [redacted] could not hear what was said, but then [redacted] left the group at [redacted] and went to the [redacted] to get a [redacted] [redacted] had sustained earlier on [redacted]. While [redacted] came to the adjacent [redacted] Shortly thereafter, [redacted] left [redacted] and saw [redacted] walking slightly ahead of [redacted] and ahead of [redacted] saw the [redacted] holding a [redacted] in [redacted].

[redacted]

and beckoning [redacted] and the [redacted] spoke for a short time and then both went [redacted]

33. [redacted] informed ID/OIOS that [redacted] towards [redacted], where [redacted] had been sitting, by a [redacted]. At a [redacted] not far from [redacted] met [redacted] who asked [redacted] if [redacted] was still at [redacted] to which [redacted] responded no. [redacted] that in [redacted] had left the area via [redacted] had left shortly thereafter. [redacted] told [redacted] that [redacted] was suspicious of the [redacted] motives because [redacted] had told [redacted] that [redacted] had been trying to [redacted] but [redacted] in the area. [redacted] went to the area in front [redacted] and watched the [redacted] whilst [redacted] went to look for [redacted]. As [redacted] sat there, the [redacted] emerged from [redacted]. The [redacted] had latched [redacted] and when [redacted] went back to [redacted] followed [redacted] was then detained by [redacted] and [redacted].

34. ID/OIOS interviewed [redacted] at the [redacted] in [redacted] where the [redacted] brought [redacted] to ascertain whether [redacted] referred to [redacted] which [redacted] had completed. [redacted] stated that as [redacted] was not very experienced in [redacted] asked [redacted] to conduct the [redacted]. The [redacted] was conducted in [redacted] presence. Following the [redacted] concluded that no sexual intercourse had taken place.

35. ID/OIOS interviewed [redacted] and [redacted] at the [redacted] confirmed the results of [redacted] and added that [redacted] was still a virgin. [redacted] stated that [redacted] complained of bodily aches and pains so [redacted] some painkillers. [redacted] stated that [redacted] that a [redacted] had tried to rape [redacted] but [redacted] had fought [redacted] off, hence the aches and pains. [redacted] and [redacted] did not examine the rest of [redacted] for injuries, as [redacted] had been told only to establish if [redacted] had had sexual intercourse. At the completion of the [redacted] was returned to the custody of [redacted] who had brought [redacted].

36. ID/OIOS interviewed [redacted] of the [redacted] who examined [redacted] a stated that [redacted] told [redacted] that a [redacted] had tried to [redacted] had resisted. [redacted] stated that at the time of the [redacted] appeared confused. [redacted] stated that in examining [redacted] found [redacted] had some scratches on [redacted] and on [redacted]. [redacted] found that there had been no sexual penetration.

37. ID/OIOS interviewed [redacted] who said that [redacted] was sitting [redacted] with a [redacted] namely [redacted] and [redacted] arrived together and joined [redacted] stated that [redacted] did not know [redacted] before that day, but [redacted] had known [redacted] from [redacted].

38. [redacted] stated that [redacted] said [redacted] was going to the [redacted] and [redacted] stayed behind. [redacted] then chatted with [redacted]

that [redacted] was in search of [redacted] told [redacted] that [redacted] had a [redacted] working with [redacted] [redacted] was supposed to see that day and that the [redacted] that [redacted] could use.

39. [redacted] stated that [redacted] to [redacted] to go to [redacted] and contact [redacted] after [redacted] then went to [redacted] to make [redacted]. About [redacted], [redacted] knocked at [redacted] [redacted] stated that [redacted] welcomed [redacted] and asked [redacted] to close [redacted] on which [redacted] had [redacted] and [redacted] opened [redacted]. When [redacted] finished [redacted] stated that [redacted] on [redacted] and [redacted] was sitting on [redacted]. They started [redacted] each other. [redacted] then stood up and started [redacted], and that [redacted] gave [redacted] [redacted] warned [redacted] not to [redacted] as [redacted] had not had sexual intercourse for [redacted] and felt that once [redacted] would not be able to control [redacted] [redacted] stated that [redacted] responded "alright, but quickly."

40. [redacted] stated that [redacted] partially drew [redacted] and that [redacted] who was wearing [redacted], similarly drew [redacted] but did not remove the [redacted] completely. [redacted] stated that [redacted] tried to [redacted] but was hampered by [redacted], consequently [redacted] onto [redacted] and on [redacted] [redacted] however [redacted] was worried about the [redacted].

41. [redacted] told ID/OIOS that [redacted] in told [redacted]s, which [redacted] did and then sat [redacted] [redacted] told [redacted] [redacted] would take [redacted] and ascertain if [redacted] from the [redacted] was still coming. [redacted] stated that [redacted] then stepped outside [redacted] who [redacted] had seen before and knew to be a [redacted] standing near the [redacted].

42. [redacted] stated that [redacted] to get out [redacted]. [redacted] used [redacted] to the [redacted], who had been standing [redacted] and took [redacted].

43. [redacted] stated that [redacted] and sat on [redacted] and that after sometime, [redacted] who was [redacted] shouted that some [redacted] wanted to [redacted]. They then all went to the [redacted] [redacted] was standing with the [redacted]. They talked together in [redacted] and then they told [redacted] to go back to [redacted].

44. [redacted] stated to ID/OIOS that shortly thereafter, the [redacted] (whose names [redacted] did not know), an [redacted] and [redacted]. The [redacted] then [redacted] whether [redacted] which [redacted] stated that [redacted] then explained that [redacted] had come to use [redacted] and then the [redacted] commented that [redacted] had told [redacted] a similar story. [redacted] stated that [redacted] never mentioned anything about [redacted] with [redacted].

45. [redacted] [redacted]s were visually inspected by ID/OIOS investigators. [redacted] was observed to have [redacted].

46. [redacted] gave a [redacted] to ID/OIOS, which reiterated oral account of events given to ID/OIOS [redacted] [redacted], with the exception that [redacted].

[redacted] omitted [redacted] to have consensual sex with [redacted] (A copy of the [redacted] is attached [redacted]) When queried, [redacted] stated that [redacted] had been advised [redacted] to admit to having had consensual sex as nobody would believe that [redacted] could be in the [redacted] with a [redacted] and not have had sex. Moreover, that [redacted] was advised that to rebut rape allegations, [redacted] should claim that consensual sex had taken place.

47. ID/OIOS investigators also noted that, at this interview, [redacted] were now [redacted].

48. At a subsequent interview with ID/OIOS [redacted] stated that [redacted] had had no sexual or other physical contact with [redacted] and reiterated that [redacted] had brought [redacted] to [redacted] solely to let [redacted] use [redacted]. Moreover, that [redacted] had only given evidence of sexual contact [redacted] was unwilling to initially identify [redacted] who had given [redacted] such advice, but then stated that [redacted] was a [redacted] who had since left [redacted].

49. With respect to this new account of events [redacted] is unable to provide an explanation as to why [redacted] had locked [redacted] was [redacted] given that [redacted] was there only to use [redacted].

VI. FINDINGS

50. ID/OIOS found that [redacted] attended at a [redacted] in [redacted] with intention to use a [redacted] apparently in the possession of [redacted].

51. ID/OIOS found that [redacted] and was unavailable; hence [redacted] is unable to gain access [redacted]. A short time later, whilst [redacted], [redacted] was beckoned by [redacted] with the offer of the [redacted]. ID/OIOS found that [redacted] subsequently led [redacted] and then left [redacted] in the [redacted] allegedly in search of the [redacted].

52. ID/OIOS found that upon [redacted] locked the [redacted] and then assaulted [redacted] by pushing [redacted] onto the [redacted] and whilst forcefully holding [redacted], attempted to [redacted]. ID/OIOS found that [redacted] did not [redacted] and instead [redacted].

53. ID/OIOS found that acting on the suspicion that [redacted] had gone to [redacted] and [redacted] subsequently went to [redacted] and [redacted] were found together. The [redacted] and [redacted] spoke to [redacted] and then [redacted] was taken into custody, questioned and subsequently taken to a [redacted] for a [redacted]. A [redacted] was conducted the [redacted].

54. [redacted] account of the assault was not corroborated by other witness testimony. However, [redacted] complaint to [redacted] of body aches and pains and the observation of scratches on [redacted] (injuries which could have been inflicted by [redacted] are consistent with [redacted] of having been assaulted by [redacted].

The [REDACTED] is also consistent with [REDACTED] and that of [REDACTED]. The [REDACTED] was not forensically analyzed.

55. ID/OIOS found [REDACTED] of being unable to call for help due to [REDACTED]. [REDACTED] placing [REDACTED] full body weight on [REDACTED] to be credible. Moreover, [REDACTED]'s failure to immediately report [REDACTED] assault to the [REDACTED] is explained by [REDACTED]'s apparent [REDACTED] as a suspect as opposed to that of being an alleged [REDACTED]. ID/OIOS also found [REDACTED]'s evidence to the various [REDACTED] at the [REDACTED], to the [REDACTED] and to ID/OIOS, to be consistent.

56. In contrast, ID/OIOS found that [REDACTED]'s account of events was not credible and that [REDACTED] credibility was further eroded by [REDACTED] subsequent recantations.

57. Notwithstanding the recantation, [REDACTED] gave evidence that [REDACTED] saw [REDACTED] behind the [REDACTED] (as detailed in paragraph 33 of this report). This observation corroborates [REDACTED]'s account and is in contrast to the evidence of [REDACTED], who stated that [REDACTED] went to [REDACTED] whilst [REDACTED] was inside [REDACTED].

58. [REDACTED] initially gave evidence that [REDACTED] with [REDACTED] in [REDACTED] and that [REDACTED] and [REDACTED] stated that [REDACTED] wanted to have sex. [REDACTED] who [REDACTED] gave evidence that [REDACTED] was a virgin. [REDACTED] further stated that [REDACTED] would have left [REDACTED]. ID/OIOS found it improbable that [REDACTED] would have subjected [REDACTED] to such injury for a [REDACTED] did not know. Moreover, it is highly likely that [REDACTED] would have known the resultant injurious effects upon [REDACTED] of engaging in sexual intercourse; the inherent difficulties [REDACTED] would have had upon leaving [REDACTED] and moving about the [REDACTED] in full view of the [REDACTED] and [REDACTED] particularly in light of the prevailing [REDACTED] against such [REDACTED] between [REDACTED].

59. ID/OIOS did not find the evidence given by [REDACTED] or [REDACTED] to have sexual intercourse with [REDACTED] credible. It is more probable that the foiled attempt to have intercourse with [REDACTED] was hampered more by [REDACTED]'s [REDACTED] rather than having [REDACTED].

60. [REDACTED] gave evidence that [REDACTED] for [REDACTED]. However, the [REDACTED] revealed [REDACTED] and [REDACTED]. ID/OIOS found such [REDACTED] to be more likely the result of the [REDACTED] as opposed to the [REDACTED] described by [REDACTED].

VII. CONCLUSIONS

62. ID/OIOS concludes that [REDACTED]'s actions in confining [REDACTED] and then attempting to [REDACTED] constitutes contravention of Sections [REDACTED] of the [REDACTED] Criminal Act of [REDACTED].

63. ID/OIOS further concludes that [REDACTED] confinement of [REDACTED] and then [REDACTED] subsequent attempted [REDACTED] constitutes violations of Rules 1, 2 and 3 of the Code of Personal Conduct for [REDACTED].

64. ID/OIOS further concludes that [REDACTED] is in violation of ST/SGB/2003/13, Section 3.2(a) and the Directives for Disciplinary Matters Involving [REDACTED].

VIII. RECOMMENDATIONS

65. In light of the above findings, ID/OIOS recommends the following:

Recommendation 1: It is recommended that the I [REDACTED] provides a copy of this report to the [REDACTED] [REDACTED] for appropriate action against [REDACTED], and the results of such action be reported through [REDACTED] to ID/OIOS [REDACTED].