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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*

**DOSSIER REPORT OF ALLEGED ASSAULT AND VERBAL
ABUSE**

REDACTED REPORT

ID Case No. 0493-06

27 DECEMBER 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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INTEROFFICE MEMORANDUM MEMORANDUM INTERIEUR

TO: [REDACTED]
A: [REDACTED]

DATE: [REDACTED]

REFERENCE: [REDACTED]

FROM: [REDACTED]
DE: [REDACTED]

SUBJECT: Dossier report of alleged assault and verbal abuse [REDACTED]
OBJET: [REDACTED]

1. The Investigations Division of the Office of Internal Oversight Services (ID/OIOS) received a report that on [REDACTED] at that time [REDACTED] the [REDACTED] physically assaulted and verbally abused [REDACTED] under [REDACTED] supervision.

2. [REDACTED] was a [REDACTED] engaged by [REDACTED] to develop [REDACTED] [REDACTED] tendered [REDACTED] resignation from [REDACTED] [REDACTED] which was accepted by [REDACTED] [REDACTED] stated that "were it not for [REDACTED] unfair actions towards [REDACTED] would probably still be working in the [REDACTED]" and that [REDACTED] "would appreciate going back to continue to work there."

3. [REDACTED] further claimed [REDACTED] was the subject of retaliatory conduct because [REDACTED] reported [REDACTED] failings within [REDACTED] to the then [REDACTED] OIOS, however these claims of [REDACTED] deficiencies are not addressed in this report.

4. ID/OIOS conducted interviews with relevant persons and also reviewed and analyzed pertinent documents relating to this case.

Investigative details

5. According to [REDACTED] to the incident [REDACTED] was called into [REDACTED] [REDACTED] at which time [REDACTED] accused [REDACTED] of withholding "[REDACTED]" belonging to the Organization, referring to [REDACTED] intended for the [REDACTED] assured [REDACTED] that [REDACTED] would hand over all materials that did not belong to [REDACTED] during the course of [REDACTED] resignation.

[REDACTED]

6. [redacted] stated that [redacted] had not fulfilled [redacted] obligations under [redacted] with the [redacted] and had instead been preoccupied with [redacted] own personal [redacted] ventures.

7. [redacted] immediate supervisor, [redacted] was not present during the incident, however [redacted] stated that [redacted] had not been fully cooperative when asked about [redacted] project's progress; and when asked to show [redacted] was reluctant to do so.

8. On [redacted] went to [redacted] and confronted [redacted] and [redacted] who were assisting [redacted] with the project. [redacted] stated that [redacted] wanted to verify that they were working on the assignment and requested to see the pertinent data. At that point, [redacted] stated, the situation became "messy and uncomfortable" as [redacted] closed [redacted] personal [redacted] which was on [redacted] and refused to show [redacted]. A struggle ensued in which [redacted] attempted to pull the [redacted] away from the other. According to [redacted] also struck [redacted] repeatedly about [redacted] seized and [redacted] and repeatedly called [redacted]

9. [redacted], who were present at the time, independently asserted that [redacted] used the word [redacted] stated that [redacted] saw [redacted] seize [redacted] by the [redacted] stated that [redacted] struck [redacted] [redacted] denied using a [redacted], noting that [redacted] too has a [redacted] and denied that there was any physical contact between [redacted], stating that [redacted] was only trying to prevent [redacted] from leaving the [redacted] with the data, and that [redacted] could not have seized [redacted] as [redacted] was using [redacted] to grip [redacted] stated that in hindsight [redacted] should have also complained to ID/OIOS regarding [redacted] unprofessional conduct.

10. The altercation drew the attention of [redacted] in an adjacent [redacted] who stated that they overheard [redacted] demanding the information in a raised voice. They subsequently went to [redacted] observed the [redacted] struggling with one another over [redacted] and [redacted] called [redacted]

11. [redacted], at a nearby [redacted] stated that [redacted] heard arguing coming from the direction of the [redacted] was then approached by [redacted] who asked [redacted] to intervene. [redacted] stated that as [redacted] approached the [redacted] heard [redacted] shouting, "[redacted] is trying to hurt me!" When [redacted] arrived at [redacted] found [redacted] seated and holding onto [redacted] and [redacted] heard [redacted] say, "This is the [redacted] Give me these [redacted]; it's very vital," to which [redacted] replied, "I have already transferred it to the [redacted] Why are you asking for [redacted] further stated that [redacted] did not witness any physical contact between [redacted] nor did [redacted] hear any [redacted]



12. [redacted] then instructed the [redacted] to "calm down," and proceeded to ask them what had transpired. [redacted] told [redacted] that [redacted] was holding [redacted] on [redacted] [redacted] told [redacted] that [redacted] had already transferred the [redacted] to the [redacted] but nevertheless [redacted] wanted to take [redacted] and that [redacted] was trying to hurt [redacted]. Once [redacted] had calmed the [redacted] instructed them both to report to the [redacted] [redacted] then left the [redacted] and sent [redacted] informing [redacted] of the incident.

13. Another [redacted], was tasked to investigate the incident and summoned both [redacted] to the [redacted] [redacted] recorded a statement from [redacted]. When interviewed by ID/OIOS, [redacted] further noted that "[redacted] [redacted] although when asked, [redacted] stated that [redacted] did not seek [redacted]. According to [redacted] "begged and pleaded" for [redacted] to explain what had transpired, as [redacted] believed [redacted] was [redacted]'s friend. [redacted] then demonstrated to [redacted] and [redacted] that the relevant [redacted] had been transferred to the [redacted] and the [redacted] [redacted] and considered the matter resolved."

14. [redacted] stated that [redacted] initially agreed not to initiate a complaint against [redacted] [redacted] however [redacted] became annoyed and decided to pursue the matter when [redacted] accepted [redacted] resignation and when [redacted] learnt that [redacted] had been bragging to people about the [redacted]. ID/OIOS interviewed a [redacted] who stated that [redacted] had a conversation with [redacted] following the incident. [redacted] noted that [redacted] [redacted] and [redacted] were [redacted] and the latter informed [redacted] that the [redacted] resulted from [redacted]" with [redacted]. [redacted] also stated that [redacted] was dissatisfied with what [redacted] considered insufficient action from the [redacted].

15. ID/OIOS reviewed several [redacted] provided by [redacted] for background information. The [redacted], although for the most part immaterial to this investigation, supported [redacted] and [redacted]'s statements to the effect that [redacted] was not fully cooperative with [redacted] colleagues and had, on [redacted], refused to [redacted]. ID/OIOS further noted from the [redacted] that [redacted] had conveyed [redacted] concerns to [redacted] regarding [redacted] work performance.

Findings

16. ID/OIOS established that a strained working relationship existed between [redacted] [redacted] and [redacted]. On [redacted] [redacted] confronted [redacted] in [redacted] in the presence of [redacted] and a physical struggle ensued over [redacted] [redacted] was apparently concerned, given that [redacted] had recently [redacted] would not only fail to complete the project for which [redacted] was [redacted], but that [redacted] would also retain and withhold [redacted] belonging to the United Nations for [redacted]. These concerns were exacerbated by [redacted] reluctance to provide updates on [redacted] work progress.

[redacted]

17. [REDACTED] denied that [REDACTED] hit [REDACTED] and grabbed [REDACTED]; however [REDACTED] accounts support this claim. Further, [REDACTED] statement that [REDACTED] saw [REDACTED] on [REDACTED] immediately after the altercation also supports this claim. Finally, the testimony from [REDACTED] stating that [REDACTED] observed [REDACTED] after the altercation and that [REDACTED] told [REDACTED] the [REDACTED] was the result of a [REDACTED] with [REDACTED] further supports the allegation. [REDACTED] belated explanation to ID/OIOS that the [REDACTED] was caused by [REDACTED] is contrary to [REDACTED] earlier assertion that there was no physical contact between the [REDACTED]. An objective examination of all of the evidence supports the claim that the [REDACTED] was most likely caused when [REDACTED] struck [REDACTED].

18. [REDACTED] independently confirmed the use of [REDACTED] by [REDACTED] and [REDACTED] counter-argument that [REDACTED] too has a [REDACTED] does not diminish the witnesses' claims.

19. OIOS did not find evidence to support [REDACTED] assertion that the altercation was an act of retaliation for activities protected by the Secretary-General's Bulletin *Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations* (ST/SGB/2005/21).

Conclusions

20. By utilizing [REDACTED] in [REDACTED] work environment, [REDACTED] has failed to uphold faith in the dignity and worth of the human person and exhibit respect for all cultures in accordance with [REDACTED] basic obligations as a [REDACTED] under Staff Regulation 1.2 (a).

21. [REDACTED] failed to uphold the highest standards of efficiency, competence and integrity in accordance with Staff Regulation 1.2 (b) when [REDACTED] engaged in an altercation with [REDACTED].

22. [REDACTED] engaged in the physical and verbal abuse of [REDACTED] in the workplace, which is specifically prohibited by Staff Rule 101.2 (d).

Recommendations

23. In view of the foregoing, ID/OIOS makes the following recommendations:

Recommendation 1: It is recommended that appropriate action be taken against [REDACTED].

Recommendation 2: It is recommended that staff in the [REDACTED] be reminded of conflict resolution mechanisms to resolve grievances [REDACTED].

24. [REDACTED]

25. Thank you and best regards.

cc:

