



United Nations

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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*

ADVISORY REPORT ON ASSERTIONS OF BIAS INVOLVING [REDACTED]

REDACTED REPORT

ID Case No. 0539-06

23 MAY [REDACTED]

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.



TO: [REDACTED]

A: [REDACTED]

DATE: [REDACTED]

REFER: [REDACTED]

FROM: [REDACTED]

DE: [REDACTED]

SUBJECT: **Advisory report on assertions of bias involving [REDACTED]**

OBJET: [REDACTED]

1. On [REDACTED] the Investigations Division of the Office of Internal Oversight Services (ID/OIOS) received a report of possible misconduct implicating [REDACTED] former [REDACTED]

2. Specifically it was reported that [REDACTED] was biased against the [REDACTED] and that [REDACTED] found [REDACTED] in breach of [REDACTED] stemming from a [REDACTED] incident that occurred in [REDACTED]. This led to the imposition of disciplinary sanctions against [REDACTED] despite [REDACTED] assertions that the [REDACTED] against [REDACTED] was flawed in substance and influenced by [REDACTED] discrimination.

3. This matter was also referred to your office by the [REDACTED] on [REDACTED]

4. Delays in bringing this matter to an earlier determination were the result of inadequate responses on the part of [REDACTED] in relation to ID/OIOS [REDACTED]. Notwithstanding, ID/OIOS conducted a preliminary investigation which included appropriate interviews and an assessment of relevant documents, including the [REDACTED] file and other internal correspondence. An attempt was also made to interview [REDACTED] but [REDACTED] declined (as was [REDACTED] right given that [REDACTED] was no longer a [REDACTED] at the time).

5. To the furthest extent possible, ID/OIOS has since completed its review of the matter. The following determinations are noted:

- a. The internal investigation against [REDACTED] was of a poor standard, containing various omissions, inconsistencies and misrepresentations. The report was then forwarded to [REDACTED] who was unable to give a definitive answer as to whether [REDACTED] had breached rules and procedures.
- b. Both the former [REDACTED] recommended to [REDACTED] that the case against [REDACTED] be closed as unproven.

- c. [REDACTED] nevertheless proceeded to find against [REDACTED] despite acknowledging at the same time that the procedures [REDACTED] had found [REDACTED] guilty of breaching would need to be reviewed.
- d. [REDACTED] also decided that it was not appropriate to refer the matter to a [REDACTED] citing extant [REDACTED] regulations which provided the [REDACTED] discretionary authority as to whether or not any misconduct allegation should be referred to a [REDACTED]
- e. ID/OIOS has subsequently discovered that [REDACTED] guidelines at the time were not consistent with the [REDACTED] issued via [REDACTED] which states that "*Acts of serious misconduct... shall require the convening of a [REDACTED]*"
- f. ID/OIOS notes that the [REDACTED] have since been changed to reflect the [REDACTED]
- g. Although an apprehension of bias was demonstrated by [REDACTED] refusal to forward [REDACTED] own decision to a [REDACTED] ID/OIOS has been unable to confirm that [REDACTED] was in fact biased against [REDACTED]

Recommendations

6. Based on the findings of this report ID/OIOS recommends as follows:

Recommendation 1: Although a [REDACTED] would be the appropriate forum, given the elapsed time, the shortcomings of the original [REDACTED] investigation and the fact that all pertinent witnesses are no longer members of [REDACTED] it is recommended that [REDACTED] revoke the decision and sanctions previously initiated against [REDACTED] stemming from a [REDACTED] that occurred in [REDACTED]

Recommendation 2: If upon a subsequent determination the previous decision and sanctions as initiated against [REDACTED] should stand; it is recommended that [REDACTED], in accordance with [REDACTED] establish a [REDACTED] to assess whether the former [REDACTED] was in violation of [REDACTED] policies and procedures. [REDACTED]

Recommendation 3: It is recommended that [REDACTED] be informed of how [REDACTED] proceeds with this matter. [REDACTED]

7. Should you have any questions or comments, please contact me at [REDACTED]

cc: [REDACTED]

