



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*

**CONTINGENT REPORT ON POSSESSION OF ILLEGAL
NARCOTICS BY** [REDACTED]

REDACTED REPORT

ID Case No. 0032-07

01 MAY 2009

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 (OIOS) received a report of possible misconduct implicating a [REDACTED].

2. Specifically, on [REDACTED] and [REDACTED] respectively, [REDACTED] [REDACTED], local [REDACTED] reported on a raid executed by [REDACTED] on [REDACTED] in a [REDACTED] area called [REDACTED] located at [REDACTED]. During the raid [REDACTED] arrested suspected [REDACTED] including [REDACTED] a member of the [REDACTED].

3. According to the associated [REDACTED] [REDACTED] was, at the time of [REDACTED] arrest, found in possession of [REDACTED] wraps or cigarettes of marijuana. Additionally, a powdery substance, suspected of being cocaine, and a cocaine smoking pipe were found in [REDACTED] immediate vicinity of [REDACTED]. [REDACTED] was taken to [REDACTED] for questioning. However, upon establishing [REDACTED] identity, [REDACTED] was informed and [REDACTED] was released into the custody of the [REDACTED] without further questioning.²

4. The details of this preliminary fact-finding inquiry are described below.

II. APPLICABLE LEGAL NORMS**A. RELEVANT CODES OF CONDUCT, DIRECTIVES AND [REDACTED]**

5. The following are applicable:

a. Ten Rules Code of 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 a [REDACTED] and do not abuse or misuse your authority.

Rule 2: Respect the law of the land of the host country, their local culture, traditions, customs and practices.

Rule 9: Do not engage in excessive consumption of alcohol or traffic in drugs.

b. We are [REDACTED]

We will never:

- Abuse alcohol, use or traffic in drugs;
- Participate in any illegal activities, corrupt or improper practices.

c. Directives for Disciplinary Matters Involving [REDACTED]

(1) Chapter II - Scope of Application

These directives shall apply to cases of serious misconduct as defined in Section III committed [REDACTED] of [REDACTED]. In addition, any act of misconduct that has a detrimental effect on the image, credibility, impartiality or integrity of the United Nations, the [REDACTED] or other [REDACTED] or the [REDACTED] concerned, shall be regarded as an act of misconduct falling within the scope of these directives.

(2) Chapter III – Definitions

For the purpose of the present directives the following definitions shall apply:

“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 damages or injury to an individual or to [REDACTED].”

Serious misconduct includes, but is not limited to:

- Use, possession or distribution of illegal narcotics

(3) Chapter IV – Standards of Conduct

[REDACTED] of [REDACTED] shall respect all local laws and regulations. [REDACTED] are required to abide by the highest standards of integrity while in service of the United Nations. They shall refrain from any conduct that would adversely reflect on the United Nations and shall not engage in any activity that is incompatible with the aims and objectives of the United Nations. They are also required to abide by [REDACTED] standard operating procedures, directives, or any other applicable rules, regulations or administrative issuances.

d. [REDACTED] Directive on Conduct and Discipline
for [REDACTED]

(1) Paragraph 5(b) – Wearing of [REDACTED]

[REDACTED] are to be worn at all times by [REDACTED]. However, the wearing of [REDACTED] whilst outside the confines of [REDACTED] may be authorized by [REDACTED] in accordance with the provisions of this Directive in respect of organized recreational and welfare activities.

(2) Paragraph 5(c) – Non-fraternization with the Local Population

‘Fraternization is not permitted between [REDACTED] and members of the local population. For purposes of this Directive, fraternization includes non-official conduct and/or conduct which is not strictly necessary for official purposes.’

(3) Paragraph 5(e) – Preventative Measures

Alcohol and Drugs: Excessive drinking and the use of prohibited drugs are strictly forbidden. Driving while intoxicated is also forbidden. Drug trafficking is strictly prohibited. Such behavior constitutes a criminal offence under the [REDACTED] and many constitute a ground for waiver of immunity to allow for local prosecution of offenders in addition to internal administrative measures.

B. LEGISLATION APPLICABLE TO [REDACTED]

6. The [REDACTED]:

a. Article 270 - Application of the Act

(1) The following persons shall be subject to this Act -

(a) [REDACTED] of the [REDACTED]

(2) This Act shall apply to persons subject thereto under the provisions of this section and in relation to the units raised under this Act, whether outside or within [REDACTED]

b. Article 65 – Wrongful use, possession, etc. of controlled substances

(1) A person subject to service law under this Act who wrongfully uses, possesses, manufactures, distributes,

imports into the [REDACTED] exports from [REDACTED] or introduces into a cantonment or barrack, any vessel or craft, vehicle or aircraft used by or under the control of [REDACTED] a substance described in subsection (2) of this section, is guilty of an offence under this section and liable, on conviction by a court martial, to imprisonment for a term not exceeding 21 years.

- (2) The substances referred to in subsection (1) of this section are as follows –
- (a) opium, heroin, cocaine, amphetamine,....marijuana and any compound or derivative of such substances.

III. IMPLICATED [REDACTED]

7. [REDACTED] was a member of [REDACTED] and [REDACTED] in [REDACTED] arrived in [REDACTED] on [REDACTED] and [REDACTED] b [REDACTED]

IV. METHODOLOGY

8. The OIOS preliminary fact-finding inquiry was suspended pending completion of a [REDACTED] investigation [REDACTED] was also undertaken.

9. This inquiry included, but was not limited to, the interview of civilian witnesses and [REDACTED] and the review and analysis of relevant documents, including the [REDACTED] investigation report and [REDACTED] operational documents. OIOS was unable to interview [REDACTED] before [REDACTED]; accordingly, the OIOS inquiry relies upon the evidence presented by [REDACTED] to the [REDACTED] and to [REDACTED] investigators.

10. The [REDACTED] found that the report against [REDACTED] of being found in possession of illegal narcotics during the [REDACTED] raid, or any other involvement in the dealing of illegal narcotics, could not be substantiated. However, the [REDACTED] did find that [REDACTED] had contravened [REDACTED] by leaving the [REDACTED] unaccompanied, without permission and dressed in [REDACTED]; and recommended appropriate action against [REDACTED] these contraventions.

11. The [REDACTED] investigation also found [REDACTED] s reported misconduct unsubstantiated.

V. BACKGROUND

A. [REDACTED]

12. The [REDACTED] falls directly under and reports to the [REDACTED]. [REDACTED] regularly conducts operations and executes raids on identified areas to enforce the prevailing drug enforcement legislation in [REDACTED] under the [REDACTED].

B. [REDACTED]

13. [REDACTED] is located less than [REDACTED] from [REDACTED] where [REDACTED] was based. [REDACTED] has no knowledge of [REDACTED] industry, but several small [REDACTED] are operated within the [REDACTED] area. According to the [REDACTED] operations briefing, the raid on [REDACTED] was executed based on intelligence received from the [REDACTED] which described [REDACTED] as a [REDACTED] and a "notorious drug and criminal hide-out."³

VI. INVESTIGATIVE DETAILS

A. PRESENCE OF [REDACTED]

a. Absence of [REDACTED]

14. [REDACTED] the senior [REDACTED] testified to the [REDACTED] that [REDACTED] was one of the [REDACTED] to [REDACTED]. During the [REDACTED] of [REDACTED] [REDACTED] informed [REDACTED] that [REDACTED] had been arrested outside the [REDACTED] by [REDACTED] of the [REDACTED]. [REDACTED] stated that, up to the point where [REDACTED] was informed of the arrest, [REDACTED] had been under the impression that [REDACTED] was present in [REDACTED] in [REDACTED].

15. Before the [REDACTED] and to [REDACTED] investigators, [REDACTED] never disputed [REDACTED] absence from [REDACTED] on the [REDACTED] of [REDACTED]; [REDACTED] freely admitted to leaving [REDACTED] on the said [REDACTED] but stated that [REDACTED] had verbal permission from [REDACTED] to do so.⁵

16. [REDACTED] confirmed [REDACTED] was approached by [REDACTED] on [REDACTED] [REDACTED] for permission to leave [REDACTED] in [REDACTED]; however, [REDACTED] did not grant permission, as [REDACTED] deemed it necessary to refer the matter to [REDACTED] and [REDACTED] so informed [REDACTED]. After [REDACTED] [REDACTED] did not approach [REDACTED] again for permission to leave [REDACTED] and, as such, [REDACTED] had not given permission to [REDACTED] to leave [REDACTED] on the [REDACTED] of [REDACTED].

[REDACTED]

17. [REDACTED] also noted that it was [REDACTED] order that [REDACTED] could only leave [REDACTED] in [REDACTED] and wearing [REDACTED] admitted that [REDACTED] had left the [REDACTED] alone and in [REDACTED] [REDACTED] indicated that the wearing of [REDACTED] was for the purposes of not being recognized. [REDACTED] stated that a [REDACTED] with whom [REDACTED] sought to exchange a [REDACTED] kept avoiding [REDACTED] – [REDACTED] confirmed being told by [REDACTED] of this reason for the wearing of [REDACTED] [REDACTED] further stated that [REDACTED] went alone as the [REDACTED] was not far from [REDACTED]

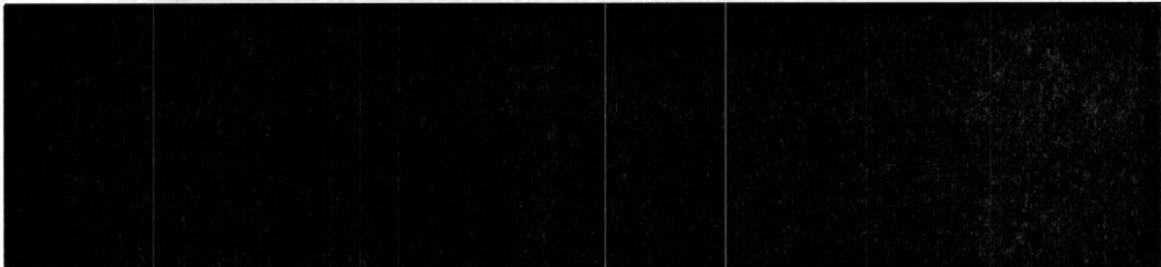
b. Reasons provided for the absence of [REDACTED]

18. [REDACTED] admitted [REDACTED] presence at [REDACTED] on the [REDACTED] of [REDACTED] [REDACTED] stated that [REDACTED] had left [REDACTED] in order to see a [REDACTED] [REDACTED] in [REDACTED] who, the [REDACTED] had promised to sell [REDACTED] [REDACTED] On the day in question, [REDACTED] did not have sufficient [REDACTED] to pay for the [REDACTED] and wanted to see [REDACTED] and ask [REDACTED] to reserve the [REDACTED] for [REDACTED] [REDACTED] stated that [REDACTED] was merely a friend and not a [REDACTED]

19. [REDACTED] a [REDACTED], stated that [REDACTED] operated a [REDACTED] in [REDACTED], selling [REDACTED] and that [REDACTED] had been introduced to [REDACTED] by another [REDACTED] named [REDACTED] and that the [REDACTED] became regular [REDACTED] at [REDACTED] and that, once in a while, [REDACTED] had [REDACTED] at [REDACTED] and bought [REDACTED] for [REDACTED]; however [REDACTED] had never seen [REDACTED] – [REDACTED] did not clarify if [REDACTED] was referring to [REDACTED] or any other product.⁹ [REDACTED] also stated that [REDACTED] had promised to bring [REDACTED] some [REDACTED] on the day [REDACTED] was arrested.¹⁰ In [REDACTED] [REDACTED] to [REDACTED] [REDACTED] makes no mention of selling or buying a [REDACTED]

20. In [REDACTED] statement before [REDACTED] [REDACTED] stated that the [REDACTED] investigation revealed that [REDACTED] was not part of the group of persons using drugs in the area, but that [REDACTED] was merely in search of a [REDACTED] called [REDACTED] who had promised to [REDACTED]

21. [REDACTED] told OIOS that when [REDACTED] was arrested [REDACTED] was queried as to the reason for [REDACTED] presence in [REDACTED]. Initially, [REDACTED] responded that [REDACTED] was there to meet a [REDACTED] whose name [REDACTED] could not recall, but later stated that [REDACTED] was in the area to [REDACTED].



B. PRESENCE OF [REDACTED]

22. [REDACTED] statement to [REDACTED] notes that, after the initial arrest, [REDACTED] returned to [REDACTED] for further inquiries, whereupon the [REDACTED] were informed by members of the local population that this was the first time that they had noticed the presence of [REDACTED].

23. Contrary to the evidence attributed to [REDACTED] to the [REDACTED], [REDACTED] told OIOS, in an interview on [REDACTED] that the suspects arrested during [REDACTED] raid on [REDACTED] were questioned and, as a result, it was revealed that [REDACTED] was a regular [REDACTED].

24. [REDACTED] stated that information was obtained, from other [REDACTED] that [REDACTED] was a regular [REDACTED] in the [REDACTED]. Other suspects arrested with [REDACTED] during the raid were not questioned on the presence and activities of [REDACTED] in the area.¹⁵

25. Several other witnesses stated that [REDACTED] was noticed in [REDACTED] on occasions prior to [REDACTED] and that [REDACTED] was a regular [REDACTED] in or [REDACTED] to the area.¹⁶

26. [REDACTED] was never questioned by [REDACTED] investigators on the frequency or reasons for any visits to [REDACTED] prior to the date of [REDACTED] arrest. [REDACTED] only stated that [REDACTED] previously bought a [REDACTED] from a [REDACTED] in the area of [REDACTED].

C. THE ARREST OF [REDACTED]**a. The notoriety of [REDACTED]**

27. [REDACTED] stated that [REDACTED] had been the [REDACTED] for the last [REDACTED] and that [REDACTED] was responsible for the [REDACTED] and its operational activities. [REDACTED] reported to the [REDACTED] on all [REDACTED] activities. [REDACTED] previously served as the [REDACTED].

28. [REDACTED] stated that there are no major business activities in [REDACTED] and that the area is known as a place frequented by drug dealers and drug users.¹⁸ [REDACTED] had told the [REDACTED] that [REDACTED] was a place full of thieves and drug addicts and was known for the selling of stolen goods.¹⁹ [REDACTED] intelligence reports support

[REDACTED] description of [REDACTED] notoriety²⁰, as does the evidence of a number of witnesses interviewed by OIOS.²¹

29. In contrast to the prevailing notoriety of [REDACTED] told [REDACTED] investigators, during their investigation, that, up to the date of [REDACTED] was not aware that [REDACTED] was a haven for drug dealers and users.²²

b. The [REDACTED]

30. [REDACTED] stated that on [REDACTED] executed a drug raid on [REDACTED] which [REDACTED] personally led. During the raid, [REDACTED] persons were randomly arrested; all of whom, however, were suspected drug offenders.²³ One of the arrested persons [REDACTED] however, at the time of arrest, [REDACTED] identity was unknown to [REDACTED]

31. [REDACTED] stated that [REDACTED] was in [REDACTED] and was waiting near the shop of [REDACTED], who was not present at the time. [REDACTED] had been waiting for about [REDACTED] when unknown [REDACTED] came charging in [REDACTED] grabbed [REDACTED] by [REDACTED] saw people being arrested [REDACTED] was "bundled together with some other [REDACTED] that [REDACTED] did not know". During the arrest [REDACTED] was not informed of the reason for [REDACTED] arrest, but later at the [REDACTED] offices, [REDACTED] was informed that [REDACTED] had been found in [REDACTED]⁴

32. [REDACTED] confirmed that [REDACTED] was searched by [REDACTED] but that [REDACTED] was only found to be in possession of [REDACTED], a [REDACTED] and [REDACTED] [REDACTED] which were taken from [REDACTED]. However, these items were returned to [REDACTED] before [REDACTED] came to collect [REDACTED] from [REDACTED]⁵

33. In [REDACTED] statement presented to the [REDACTED] [REDACTED] stated that the [REDACTED] investigation revealed that [REDACTED] was not one of the drug users in the [REDACTED], but was only there to see [REDACTED] further stated that [REDACTED] was not found in possession of any drugs during the arrest, but was merely apprehended as part of the random arrests, and that it was just an unfortunate situation of being at the wrong place at the wrong time.²⁶ It is noted that the [REDACTED] based the exoneration of [REDACTED] on the information reportedly provided by [REDACTED]; however, this statement and its veracity is in contention.

34. [REDACTED] statement to the [REDACTED] further states that one of the arrested suspects – [REDACTED] – informed [REDACTED] officers that the drugs found



were not the property of [REDACTED], but were, in fact, the property of a [REDACTED] who had managed to escape during the [REDACTED] raid.²⁷

35. In [REDACTED] testimony to [REDACTED] investigators and in contrast to [REDACTED] statement to the [REDACTED] stated that one of the [REDACTED] suspects arrested during the raid was found, by [REDACTED] officers, with [REDACTED] wraps of marijuana (with an estimated street value [REDACTED] in [REDACTED] pocket and, on the table in front of [REDACTED], a piece of glass on which was a quantity of cocaine (with an estimated street value of [REDACTED]), as well as a pipe used for smoking cocaine. The suspect was later indentified as [REDACTED].²⁸ In subsequent statements to OIOS, [REDACTED] consistently kept to this version of the events of [REDACTED].²⁹ This version of events is also further supported by the testimony of other [REDACTED]³⁰ and [REDACTED] operational documents.³¹

36. During the OIOS investigation, [REDACTED], a [REDACTED], identified [REDACTED] from a photograph array and stated that [REDACTED] had, on one occasion prior to [REDACTED], seen [REDACTED]; however, [REDACTED] could not recall the circumstances of the sighting. [REDACTED] stated that, on [REDACTED] was [REDACTED] in [REDACTED] at which time [REDACTED] had seen [REDACTED] present during [REDACTED] raid. [REDACTED] stated that [REDACTED] was holding a [REDACTED] and, during the arrest, the [REDACTED] tore open and [REDACTED] saw that the [REDACTED] contained some powder that looked like opium, some cocaine and some marijuana.³²

37. [REDACTED] a [REDACTED] told OIOS that [REDACTED] had befriended [REDACTED] around [REDACTED] and that they regularly met [REDACTED] stated that, on at least [REDACTED] occasions prior to the arrest of [REDACTED] had seen [REDACTED] in possession of marijuana. On the [REDACTED] such occasion [REDACTED] could smell marijuana on [REDACTED] breath. The [REDACTED] occasion was the day of the [REDACTED] raid and, on this day, [REDACTED] saw [REDACTED] holding a [REDACTED] containing marijuana and also saw [REDACTED] being arrested whilst in possession of the [REDACTED].

38. [REDACTED] a [REDACTED] identified [REDACTED] from a photograph array, but [REDACTED] did not know [REDACTED] name. [REDACTED] told OIOS that [REDACTED] had known [REDACTED] since early [REDACTED] and though [REDACTED] had never personally spoken to [REDACTED] [REDACTED] had seen [REDACTED] on [REDACTED] occasions at the stall of a known local alcohol and marijuana dealer named [REDACTED] in [REDACTED].



[REDACTED] stated that [REDACTED] had never seen [REDACTED] use any drugs during [REDACTED] visits to the [REDACTED].

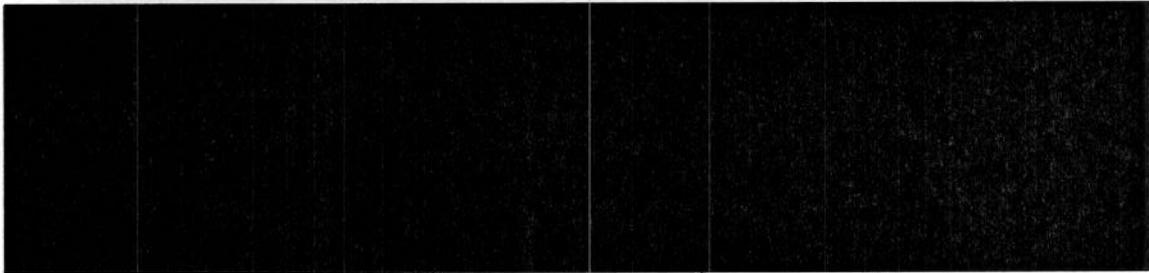
39. [REDACTED] also stated that [REDACTED] had noticed [REDACTED] at [REDACTED] on [REDACTED] or [REDACTED] occasions. On the [REDACTED] occasion, [REDACTED] noticed [REDACTED] sitting with other [REDACTED] and that they had [REDACTED] between them and were rolling marijuana cigarettes. [REDACTED] stated that [REDACTED] also smoked a marijuana cigarette; however, [REDACTED] did not elaborate as to how [REDACTED] knew what was being smoked was marijuana.³⁵

40. In contrast to the evidence of witnesses to OIOS, [REDACTED], a [REDACTED] and one of the [REDACTED] suspects arrested during the [REDACTED] raid,³⁶ told investigators that [REDACTED] lived in the vicinity of [REDACTED] and had befriended [REDACTED] about [REDACTED] prior to [REDACTED]. [REDACTED] stated that, on [REDACTED] [REDACTED] was standing with [REDACTED] outside [REDACTED] when the [REDACTED] raid was executed. They were not smoking or doing anything else, nonetheless, both of them were arrested by [REDACTED] officers. [REDACTED] stated that [REDACTED] was later released from custody after the intervention of [REDACTED]. [REDACTED] stated that since first meeting [REDACTED] had never seen the latter smoke, but knew that "the [REDACTED] can drink", as [REDACTED] had sometimes visited [REDACTED] just to [REDACTED].

41. [REDACTED] and [REDACTED], told investigators that [REDACTED] frequently visited [REDACTED] who resides in the [REDACTED] area. [REDACTED] stated that [REDACTED] had seen, on several occasions, [REDACTED] visiting the [REDACTED] of [REDACTED]. [REDACTED] stated that, on the day of the [REDACTED] raid, [REDACTED] had just arrived at [REDACTED] when the raid occurred and, in [REDACTED] opinion, [REDACTED] was arrested "without reason or anything".³⁹ Before the [REDACTED] [REDACTED] stated that [REDACTED] drinks and talks to people, but does not smoke the type of things reportedly found in [REDACTED] possession by the [REDACTED]. OIOS notes that [REDACTED] was not questioned as to the basis of this latter comment.

42. [REDACTED] told the [REDACTED] that [REDACTED] drinks alcohol, but not every day, and that [REDACTED] has been smoking cigarettes since [REDACTED]. [REDACTED] further stated that [REDACTED] knows what [REDACTED] looks like, as [REDACTED] has participated in operations in [REDACTED] where such substances were seized from [REDACTED]. [REDACTED] strongly denied that [REDACTED] is or has ever been a drug user or drug dealer. [REDACTED] stated that [REDACTED] has never before had such a case reported against [REDACTED].

43. [REDACTED], a [REDACTED], told the [REDACTED] that [REDACTED] has known [REDACTED] for the last [REDACTED] and that [REDACTED] frequently socialized with [REDACTED]. [REDACTED] stated that [REDACTED] knows that [REDACTED] drinks beer and smokes [REDACTED].



[REDACTED] but that [REDACTED] has never seen nor heard that [REDACTED] uses narcotics. [REDACTED] stated that [REDACTED] knows [REDACTED] well and that [REDACTED] does not sell drugs in [REDACTED].

44. [REDACTED] photographs were submitted to the [REDACTED] which purportedly depicted the items found [REDACTED] possession after [REDACTED] arrest: the photograph of a [REDACTED] and some [REDACTED] is in focus; however, the photograph of the drug material reportedly seized by [REDACTED] is out of focus and no specific items can be identified. [REDACTED] other photographs showing the [REDACTED] were also submitted.⁴³ All of these [REDACTED] were taken by [REDACTED] and not by [REDACTED] officers.⁴⁴

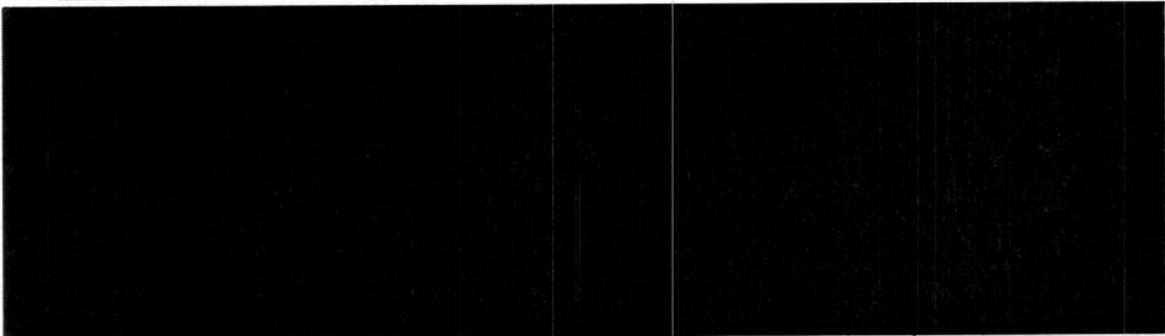
c. Actions post-arrest of [REDACTED]

45. During the OIOS preliminary fact-finding inquiry, several witnesses positively identified [REDACTED] by means of photo board identification, as one of the suspects arrested during the [REDACTED] raid at [REDACTED].

46. [REDACTED] in [REDACTED] statement to [REDACTED], stated that [REDACTED] identity was not known to [REDACTED] officers at the time of [REDACTED] arrest. It was only later, after [REDACTED] had been taken to the [REDACTED] offices and charged for the unlawful possession of controlled substances, that [REDACTED] officer informed [REDACTED] by [REDACTED] of [REDACTED] identity.⁴⁶

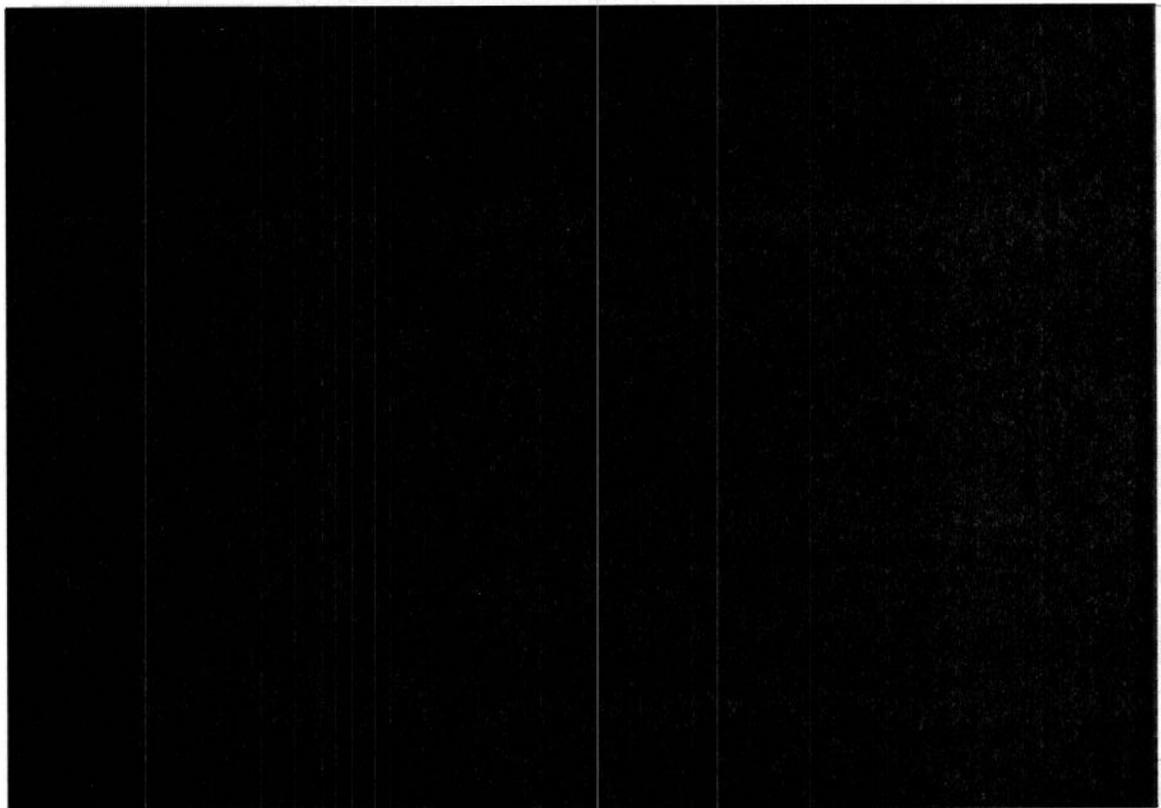
47. [REDACTED] told the [REDACTED] that [REDACTED] did not identify [REDACTED] during the arrest and only did so upon being taken to the [REDACTED] offices. [REDACTED] further stated that [REDACTED] was damaged during the arrest—[REDACTED] did not know the [REDACTED] arresting [REDACTED] and, accordingly, had resisted and that [REDACTED] was damaged during the scuffle.⁴⁷ However, in [REDACTED] statement to [REDACTED] investigators, [REDACTED] stated that upon [REDACTED] arrest [REDACTED] produced [REDACTED] to the arresting officers who seized [REDACTED] and instructed [REDACTED] to accompany them to their offices where they would then release [REDACTED]. [REDACTED] stated [REDACTED] went with the [REDACTED] to the [REDACTED] whereupon [REDACTED] was questioned about [REDACTED] from [REDACTED].

48. [REDACTED] and [REDACTED], both [REDACTED] officers, told OIOS that it was suspected that, during the raid, [REDACTED] had tried to avoid identification by disposing of [REDACTED]. They stated that, during a search of the arrest scene, [REDACTED] was located in the vicinity of where [REDACTED] was arrested.⁴⁹



49. [REDACTED] stated that after [REDACTED] identity was established, the [REDACTED] [REDACTED] was informed about the matter. Later that [REDACTED] [REDACTED] was released into the custody of [REDACTED]

50. [REDACTED] stated that, subsequent to the transfer of custody of [REDACTED] to [REDACTED] [REDACTED] did not further pursue the investigation. [REDACTED] also stated that the items reportedly found in [REDACTED] possession at the time of [REDACTED] arrest were surrendered to [REDACTED] of the [REDACTED]. The surrender of these items is supported by [REDACTED] operational documents and the handover note of the items to the [REDACTED]



51. [REDACTED] told OIOS that no records, documents or registers of cases from previous [REDACTED] were handed over to [REDACTED] nor did [REDACTED] receive any exhibits or exhibit registers from the previous [REDACTED]. The [REDACTED] could not provide any assistance in establishing the location or status of the items received from [REDACTED].⁵³

52. OIOS sought to interview [REDACTED] who had already [REDACTED] back to [REDACTED] at the time of the OIOS inquiry. In a response to questions posed, OIOS was informed by [REDACTED] of the [REDACTED] that [REDACTED] confirmed that, on the advice of [REDACTED] the exhibits were handed over to [REDACTED] for testing, as the [REDACTED] had no capacity or equipment to test the substances.⁵⁴ However, [REDACTED] had no documentation to substantiate the transfer of the exhibits to the [REDACTED] for testing. [REDACTED] further advised that the [REDACTED] did not further investigate the case given the recommendations of the [REDACTED] that [REDACTED] be exonerated of any drug-related matters. Moreover, [REDACTED] [REDACTED] out of the [REDACTED] before the receipt of the results of [REDACTED].

53. However, contrary to the evidence of [REDACTED], [REDACTED] told OIOS that, at the material time, only the [REDACTED] had, in [REDACTED], the expertise or capabilities to test narcotic substances. [REDACTED] stated that the [REDACTED] was never approached by the [REDACTED] to assist with the testing of the relevant exhibits handed to them by the [REDACTED].⁵⁵

54. In furtherance of the [REDACTED] investigation, a request by [REDACTED] for a blood test to establish the presence of narcotic substances in the blood of [REDACTED] could not be accommodated as the [REDACTED] did not have the facilities to conduct such a test.⁵⁶

55. Given the lack of testing of the exhibits reportedly found in [REDACTED] possession at the material time, the exact nature of the substances cannot be established with certainty. Notwithstanding, [REDACTED] told OIOS that [REDACTED] [REDACTED] been [REDACTED] agent since [REDACTED] and had undertaken relevant United Nations training on, *inter alia*, drug testing and drug identification. Based upon [REDACTED] professional experience and training, [REDACTED] opined that the substance found in [REDACTED] possession, at the material time, was indeed marijuana.⁵⁷

D. REPORTED STATEMENT TAMPERING [REDACTED]

56. OIOS noted that the typed statement of [REDACTED] in the [REDACTED] was neither signed nor dated. The unsigned statement was also accompanied by an undated and unsigned [REDACTED] consisting of [REDACTED] of the [REDACTED] report concludes that [REDACTED] presented [REDACTED]

[REDACTED]

statement to the [REDACTED] and [REDACTED] was cross examined but all efforts to them (*sic*) to sign the report proved abortive". Further, at [REDACTED] of the [REDACTED] report it is noted "[t]hat the [REDACTED] officer who testified before the [REDACTED] later refused to sign [REDACTED] statement which points to a suspicious motive". At [REDACTED] the [REDACTED] report states "[t]hat the [REDACTED] officer under cross examination denied arresting the [REDACTED] with any exhibit(s), and wrote in [REDACTED] statement that it belonged to one [REDACTED]."

57. OIOS notes that the [REDACTED] primarily exonerated [REDACTED] from all the drug-related claims on the basis of the statement of [REDACTED].

58. OIOS noted that during the [REDACTED] investigation and in subsequent interviews with OIOS, [REDACTED] did not confirm the exonerating evidence contained in [REDACTED] statement reportedly presented to the [REDACTED]. When queried on the issue, [REDACTED] told OIOS that, some time after [REDACTED] was invited to appear before [REDACTED] stated that the [REDACTED] did not take any statement from [REDACTED], but [REDACTED] did discuss the events of [REDACTED] with all the members of the [REDACTED], whose names [REDACTED] could not recall.⁵⁸

59. [REDACTED] stated that, on [REDACTED] [REDACTED] submitted a handwritten statement to the [REDACTED] and was requested to re-write [REDACTED] on an official [REDACTED] did. Later, during the discussion with the members of the [REDACTED] the [REDACTED] told [REDACTED] that they were "all [REDACTED]". They also informed [REDACTED] of the severe consequences for [REDACTED] including [REDACTED] imprisonment, should [REDACTED] be convicted of drug offences in [REDACTED] that the [REDACTED] tried to cajole [REDACTED] to change [REDACTED] initial statement to the [REDACTED]. Later, a member of [REDACTED] (whose name [REDACTED] could not recall but who [REDACTED] would be able to identify) handed [REDACTED] a typed statement for [REDACTED] signature. [REDACTED] identified the statement as being that at [REDACTED], and extract is shown below:⁵⁹

[REDACTED]

60. [REDACTED] confirmed that [REDACTED] had refused to sign the typed statement presented to [REDACTED], because the information contained in the document exonerated [REDACTED] of all the drug-related charges. [REDACTED] stated that [REDACTED] never prepared this statement and,

[REDACTED]

in support, noted that the document incorrectly records [REDACTED] name as [REDACTED] rather than [REDACTED]

61. [REDACTED] report identifies the [REDACTED] as:

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
- d. [REDACTED]

62. The [REDACTED] rotated out of the [REDACTED] prior to completion of the OIOS investigation; accordingly, they have not been interviewed with respect to the reported tampering of [REDACTED] statement.

VII. PRELIMINARY FINDINGS

63. OIOS found that, on [REDACTED] left the [REDACTED] [REDACTED] – where [REDACTED] was based, without authority and did so in [REDACTED] again, without authority.

64. OIOS found that, on the [REDACTED] was arrested, together with [REDACTED] other persons, by [REDACTED] officers as part of a local law enforcement crackdown on illicit drug activity in [REDACTED].

65. A subsequent [REDACTED] concluded that [REDACTED] attendance in [REDACTED] was [REDACTED] such time in the area and that [REDACTED] arrest was the result of “being at the wrong place at the wrong time”.⁶¹ However, OIOS found, based on the evidence of [REDACTED] and [REDACTED] of the [REDACTED] and of [REDACTED] that [REDACTED] was a regular visitor to the [REDACTED]

66. Before the [REDACTED] denied ever having possessed or used any illicit narcotics, including at the material time. [REDACTED] evidence is supported by [REDACTED] a fellow [REDACTED] who gave character evidence to the [REDACTED] who gave statements to the [REDACTED]. In contrast, [REDACTED] told OIOS that they had, independently and on a number of different occasions, seen [REDACTED] in possession of and/or using illicit narcotics. Additionally, [REDACTED] officers [REDACTED] and [REDACTED] gave evidence that at the time of [REDACTED] arrest, [REDACTED] was in possession of illicit narcotics and drug-use paraphernalia.

67. Preliminarily, OIOS found the [REDACTED] examination of the circumstances of [REDACTED] arrest to have been less than thorough and that a reasonable inference could be drawn that the [REDACTED] sought to clear [REDACTED] rather than establish the facts of the matter. In drawing this inference, OIOS notes:

[REDACTED]

- a. The evidence of [REDACTED] that [REDACTED] members reportedly told [REDACTED] that they were [REDACTED] and sought to impress upon [REDACTED] the severe consequences for [REDACTED] should [REDACTED] be convicted of drug-related offences in [REDACTED]
- b. The evidence of [REDACTED] that [REDACTED]'s typed statement presented to the [REDACTED] was not drafted by [REDACTED] but was, in fact, presented to [REDACTED] by a [REDACTED] and that the typed statement contained exonerating material with which [REDACTED] did not agree and accordingly refused to sign. [REDACTED] evidence that the statement was not prepared by [REDACTED] is supported by the fact that [REDACTED] name is significantly misspelled on the document;
- c. The evidence of [REDACTED] (as communicated to OIOS by [REDACTED] of the [REDACTED]) that [REDACTED] did not further investigate the case of [REDACTED] given the recommendations of the [REDACTED] that [REDACTED] be exonerated of any drug-related matters;
- d. That the whereabouts of drug exhibits relevant to [REDACTED] arrest are unknown. In this regard, OIOS notes:
 - i. the evidence of [REDACTED] (as communicated to OIOS by [REDACTED] of the [REDACTED]) that, upon the advice of the [REDACTED], the drug exhibits were surrendered to the [REDACTED] for analysis;
 - ii. the evidence of [REDACTED] that, at the material time, only the [REDACTED] in [REDACTED], the expertise or capabilities to test narcotic substances and that the [REDACTED] was never approached by the [REDACTED] to assist with the testing of the relevant exhibits.

68. Notwithstanding the foregoing, OIOS cannot make a conclusive finding with respect to the conduct of the [REDACTED] in the absence of the interview of the [REDACTED] panel members and [REDACTED]. However, OIOS finds that there is adequate evidence to conclude that the [REDACTED] did not conduct a fair and impartial hearing. To reach a conclusive finding would require further action by the [REDACTED].

69. OIOS will provide case materials to [REDACTED] as required.

VIII. PRELIMINARY CONCLUSIONS

70. Based on the evidence obtained during its preliminary fact-finding inquiry, OIOS concludes that there is prima facie evidence that [REDACTED], when arrested by the [REDACTED] on [REDACTED], processed illicit narcotics, which constitutes a breach of the Code of Conduct for [REDACTED], Directives for Disciplinary Matters Involving [REDACTED] and the [REDACTED] Directive on Conduct and Discipline for [REDACTED].

71. OIOS further concludes that the [REDACTED] did not conduct a fair and impartial hearing into the arrest of [REDACTED] for possession of narcotics.

72. Finally, OIOS concludes that the [REDACTED] investigators did not conduct a fair and impartial hearing into the arrest of [REDACTED] for possession of narcotics.

IX. RECOMMENDATIONS

73. In light of the foregoing, OIOS makes the following recommendations:

Recommendation 1: It is recommended that [REDACTED] provides a copy of this report to the [REDACTED] for consideration of appropriate action, including against [REDACTED] and [REDACTED] investigators, and that the outcome of any action taken be transmitted to [REDACTED] for onward passage to OIOS. ([REDACTED])

