

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*

**ALLEGATION OF SEXUAL EXPLOITATION AND ABUSE
AGAINST [REDACTED]**

REDACTED REPORT

ID Case No. 0777-05

02 JANUARY 2007

STRICTLY CONFIDENTIAL

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ALLEGATION OF SEXUAL EXPLOITATION AND ABUSE AGAINST

I. INTRODUCTION

1. On [REDACTED] the Investigations Division of the Office of Internal Oversight (ID/OIOS) received a complaint that, on [REDACTED] a [REDACTED] engaged in inappropriate and sexual contact with [REDACTED] whilst [REDACTED] at the scene of a [REDACTED]

II. BACKGROUND INFORMATION

2. [REDACTED] is situated in the [REDACTED] and has about [REDACTED] inhabitants. [REDACTED] maintains a [REDACTED] and [REDACTED] in [REDACTED] are [REDACTED] and work together with the [REDACTED] to maintain peace and order.

3. [REDACTED] is a [REDACTED] who was [REDACTED] and after [REDACTED] was assigned to [REDACTED]. At the time of the allegation [REDACTED] was the [REDACTED]

III. APPLICABLE LAW

4. ST/SGB/2003/13 – Special Measures for Protection from Sexual Exploitation and Abuse

"1. Definitions-The term sexual exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Similarly, the term sexual abuse means the actual threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions."

"3.1 Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behavior and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Staff Regulations and Rules."

"3.2(a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures."

"3.2(c) Exchange of money, employment, goods or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance."

"3.2(d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power of dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged."

"3.2(e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms."

5. Code of Personal Conduct for [REDACTED]

"4 - 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."

6. Directives for Disciplinary Matters involving [REDACTED] and [REDACTED]

III. Definitions:

"4 -Serious misconduct includes, but is not limited to:

- Sexual abuse and exploitation of any individual, particularly children;
- Harassment, including sexual harassment;
- Abuse of authority;
- Excessive use of force;
- Unlawful discharge of firearms;
- Breach of confidentiality;
- Abuse of United Nations privileges and immunities;
- Conduct prejudicial to good order and discipline."

Conduct prejudicial to good order and discipline:

"6 - [REDACTED] are required to abide by the highest standards of integrity while in the 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 aim and objectives of the United Nations."

7. [REDACTED] Code of Conduct on Sexual Exploitation and Sexual Abuse

"It is strictly prohibited for all [REDACTED] to engage in any act of sexual exploitation, sexual abuse or other forms of humiliating, degrading or exploitative

behavior, including for example; 1-sexual activity with children (persons under the age of 18 years), 2-use of children or adults to procure sexual services for others, 3-exchange of money, employment, goods or services for sex, 4-exchange of assistance that is due to beneficiaries, for sex."

8. [REDACTED] Code of Conduct

"All United Nations personnel in [REDACTED] must conduct themselves in a professional and disciplined manner. Exercise the highest standard of integrity. Dress, think, and behave in a dignified manner befitting a mature, respectable and honorable [REDACTED]"

IV. METHODOLOGY

9. ID/OIOS conducted interviews of civilian witnesses and the alleged subject, [REDACTED]

V. INVESTIGATIVE DETAIL

Interview with witnesses

10. On [REDACTED] ID/OIOS interviewed [REDACTED] [REDACTED] national residing with [REDACTED] is a [REDACTED] in the [REDACTED] which is situated directly opposite [REDACTED] told ID/OIOS that [REDACTED] knew [REDACTED] well as [REDACTED] was a [REDACTED] with other [REDACTED] stated that [REDACTED] and [REDACTED] were friendly, but qualified that [REDACTED] had never taken advantage of [REDACTED] flirted with [REDACTED] or acted in any other inappropriate way, and that [REDACTED] greatly respected [REDACTED] [REDACTED] a [REDACTED] similarly spoke highly of [REDACTED] when interviewed by ID/OIOS.

11. [REDACTED] stated that, on [REDACTED] was with [REDACTED] at an [REDACTED] situated immediately beside [REDACTED] and opposite the [REDACTED] watching a [REDACTED] During this time [REDACTED] saw [REDACTED] who was [REDACTED] of [REDACTED] present, walking towards the [REDACTED] apparently intending to join one of [REDACTED] colleagues who was already at [REDACTED] watching the [REDACTED] On seeing [REDACTED] stated that [REDACTED] went to greet [REDACTED] giving [REDACTED] a [REDACTED] which was a normal means of greeting, and that [REDACTED] thought nothing was untoward in the gesture. [REDACTED] stated that [REDACTED] did not behave at all inappropriately, adding that [REDACTED] [REDACTED] was also present at the time and could similarly attest.

12. ID/OIOS interviewed [REDACTED] [REDACTED] of [REDACTED] who corroborated the account of events of [REDACTED] described by [REDACTED] above, and further stated that [REDACTED] too greeted [REDACTED] who was similarly well known to [REDACTED] by virtue of [REDACTED] [REDACTED] stated that [REDACTED]

█ greeted █ with a █ similarly stated that █ did not, in any way, behave inappropriately.

Interview with subject

13. On █ ID/OIOS interviewed █ who stated that on █ and other █ and █ were called to the █ in response to a █ comprising about █ at that location. █ and █ subsequently and monitored the █, whilst █ negotiated with the █. During this time, one of █ went to █ situated opposite the █ to observe what had taken place inside and that █ subsequently went to join █ to observe the goings-on in █. Determining that all was well in the █ then █ and thereupon saw █ the █, and █ seated near the front of the █ watching the █.

14. █ stated that █ upon seeing █, came forward and greeted █ with a █. █ stated that this was a normal means of greeting between friends and that █ did not behave in any way inappropriately. █ stated that █ used hand gestures to ask █ why █ did not go to █ since █ was not able to speak █ and █ replied using hand gestures that █ not started. At this time, █ also approached and greeted █ with a █ again, █ did not behave in anyway inappropriately. █ stated that █ subsequently went to rejoin the █ outside █.

VI. FINDINGS & CONCLUSION

15. ID/OIOS found no evidence to support the allegation against █ and conclude that the allegation is unfounded.

16. ID/OIOS found no evidence of a *mala fide* complaint. ID/OIOS concludes that the complaint was made in good faith without the knowledge that the parties involved were known to each other prior to the incident taking place.

VII. RECOMMENDATIONS

17. In light of the finding of the investigation, ID/OIOS recommends the following:

Recommendation 1: It is recommended that █ and █ inform █ that the allegation against █ is unfounded and █ is cleared of any wrongdoing in this matter. (█)