

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*

**INVESTIGATION REPORT ON ALLEGED
MISREPRESENTATION TO THE ORGANIZATION, FALSE
IDENTIFICATION AND ENGAGING IN OUTSIDE OCCUPATION
WITHOUT PRIOR APPROVAL**

REDACTED REPORT

ID Case No. 0114-07

19 MARCH 2007

STRICTLY CONFIDENTIAL

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I. Introduction

1. On [REDACTED] the Office of Internal Oversight Services of the United Nations (OIOS) received a complaint that [REDACTED] a staff member in the [REDACTED] is a "fraudulent [REDACTED]" who also operates under the name [REDACTED]
2. The OIOS conducted an investigation and established that [REDACTED] was:
 - a) employed by the [REDACTED]
 - b) that [REDACTED] made a misrepresentation to the United Nations at the time of [REDACTED] recruitment, which makes [REDACTED] liable for termination or dismissal;
 - c) that [REDACTED] operates an outside occupation without the required approval of the [REDACTED] and [REDACTED]
 - d) that [REDACTED] has [REDACTED] under [REDACTED] own and a false name, namely [REDACTED]
3. This report outlines the findings of improper conduct of [REDACTED] with recommendations for appropriate action.

II. Applicable Law

A. United Nations Staff Regulations and Rules

4. The following provisions of the United Nations Staff Regulations and Rules are relevant:
 - i) Staff Regulation 1.2(b): "[s]taff members shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status".
 - ii) Staff Regulation 1.2(o): "[s]taff members shall not engage in any outside occupation or employment, whether remunerated or not, without the approval of the Secretary-General".
 - iii) Staff Rule 101.1(c): "[s]taff members must comply with local laws".
 - iv) Staff Rule 104.4(a): "[s]taff members shall be responsible on appointment for supplying the Secretary-General with whatever information may be required for the purpose of determining their status under the Staff Regulations and staff Rules or of completing administrative arrangements in connection with their appointments".

[REDACTED]

B. Relevant provisions of Criminal Law

5. Uttering of a Forged Instrument is a well established concept in criminal law, and is relevant to this report. It consists of offering as genuine an instrument that may be the subject of forgery and is false with the intent to defraud.

6. The [redacted] Statutes, Title [redacted], Chapter [redacted] "A person may not, in any matter within the jurisdiction of the Department of State, knowingly and willfully falsify or conceal a material fact, make any false, fictitious, or fraudulent statement or representation, or make any false document, knowing the same to contain any false, fictitious, or fraudulent statement or entry. A person who violates this section is guilty of a felony of the third degree", punishable by a term of imprisonment up to five years"

7. [redacted] Penal Code, Forgery in the third degree [redacted] "A person is guilty of forgery in the third degree when, with the intent to defraud, deceive or injure another, he falsely makes, completes or alters a written instrument".

III. Methodology

8. The OIOS obtained and reviewed the personnel file of [redacted] and relevant official documents obtained from the [redacted] and the [redacted]. It also conducted various Internet searches.

9. On [redacted] OIOS interviewed [redacted] and after [redacted] interview, invited [redacted] to review the record of the conversation to ensure accuracy of its contents. [redacted] accepted the invitation. After [redacted] review, [redacted] signed the record of interview on [redacted].

10. [redacted] also provided the OIOS with a separate subsequent statement on [redacted].

IV. Background Information

11. On [redacted] the United Nations appointed [redacted] as [redacted] in the [redacted] on a [redacted] temporary [redacted]. Subsequently, the [redacted] appointed [redacted] on [redacted] temporary [redacted]. [redacted] most recent [redacted] expires on [redacted] has received dependency benefits for [redacted], namely [redacted] and [redacted], and [redacted].

[Large redacted block of text]

12. [redacted] was born in [redacted] on [redacted] but became a [redacted] citizen in the [redacted]. Prior to [redacted] appointment at the [redacted] worked as a certified [redacted] at the [redacted] the [redacted] and the [redacted] amongst others. [redacted] mentioned in [redacted] form, that [redacted] holds a [redacted] in [redacted] and [redacted] in [redacted]

V. Investigative Details

A. Misrepresentation to the Organization

1. Criminal Record

13. A criminal history search on [redacted] revealed that on [redacted] pleaded guilty in [redacted] on charges of a) [redacted] and b) Criminal [redacted] was sentenced to a period of [redacted] for [redacted]

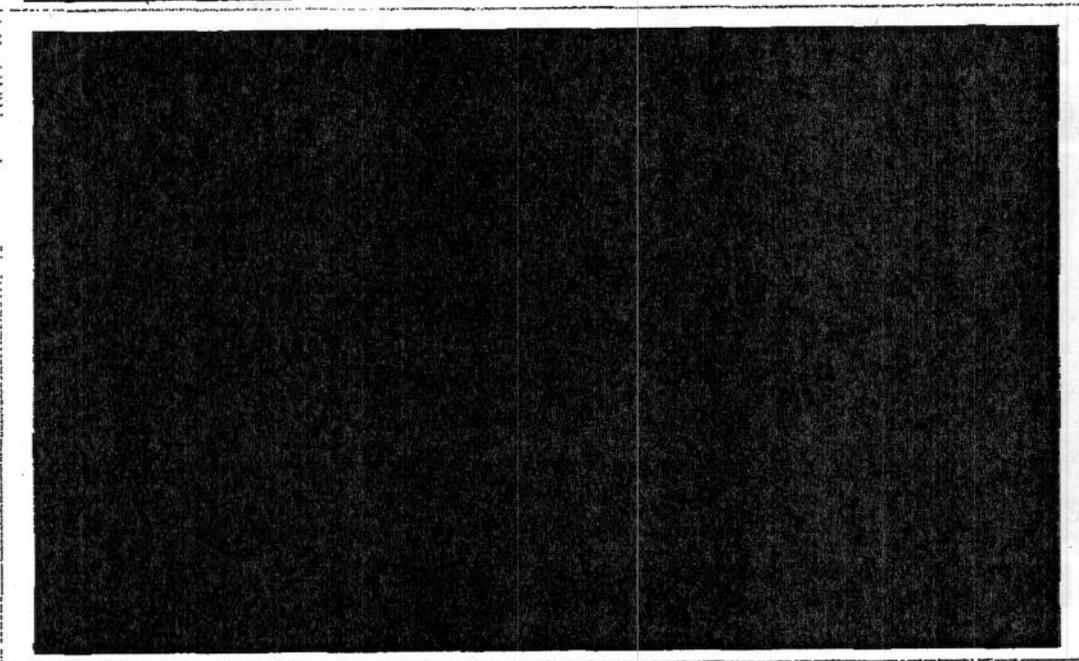


Figure 1: Criminal Disposition Information ([redacted])

[redacted]

3. [REDACTED] on Misrepresentation

16. On showing [REDACTED] confirmed to the OIOS that [REDACTED] correctly completed the form. When presented with the [REDACTED] extract, [REDACTED] at first could not recall the incident, but then remembered that it concerned an incident in [REDACTED] involving a [REDACTED]

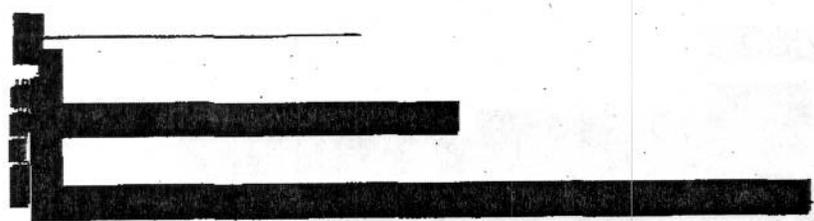
17. [REDACTED] told the OIOS that while driving a "[REDACTED]"; [REDACTED] was motioned by the driver of a vehicle to pull over. [REDACTED] stopped a while later at a [REDACTED] only to realize that the vehicle was an unmarked vehicle of a certain [REDACTED]. [REDACTED] asked [REDACTED] to produce [REDACTED] and another [REDACTED] then locked [REDACTED] in a [REDACTED] informing [REDACTED] that [REDACTED] would be charged with [REDACTED] and accusing [REDACTED] of having an [REDACTED]. [REDACTED] later [REDACTED] was transported while handcuffed to the [REDACTED] where [REDACTED] was kept in custody for [REDACTED] before being issued a "[REDACTED]"

18. [REDACTED] further stated that on a specific date [REDACTED] appeared before a [REDACTED] who put charges of [REDACTED] to [REDACTED]. Contrary to [REDACTED]'s advice, [REDACTED] pleaded not guilty. In response to a question of the OIOS, [REDACTED] denied that [REDACTED] was arrested, stating: that [REDACTED] "did not understand the situation as an arrest". According to [REDACTED] the case was dismissed.

19. During [REDACTED] interview, [REDACTED] admitted to the OIOS that [REDACTED] should have ticked the "yes" box, as [REDACTED] had been a [REDACTED] before a [REDACTED] and charges were put to [REDACTED]. Notably, [REDACTED] when asked whether [REDACTED] realized the consequences of ticking the wrong box, replied: "I now understand that by ticking "NO" I am liable for dismissal or termination of my contract" and "will tick 'YES' now and give details if [REDACTED] ha[s] to fill out today".

20. [REDACTED] was also referred to paragraph 33: "I understand that any misrepresentation or material omission on a [REDACTED] form or other document requested by the [REDACTED] renders a staff member of the United Nations liable to termination or dismissal." When asked whether [REDACTED] realized the consequences of ticking the "NO" box, whilst [REDACTED] knew that [REDACTED] was a defendant before a criminal court, replied: "I now understand that by ticking "NO" I am liable for dismissal or termination of my contract." [REDACTED] added: "I will tick "YES" now and give details if I have filled out today". *The so called criminal offence happened over [REDACTED] and I do not remember it.*

Figure 3: [REDACTED] interview [REDACTED]



20. Significantly, in [redacted] statement presented to the OIOS after [redacted] review of the record of conversation, [redacted] changed [redacted] initial statements. Therein, [redacted] denies that [redacted] was handcuffed or convicted on a crime, but claimed that [redacted] was merely summoned on a [redacted], and therefore considers [redacted] response to the question on the form as appropriate. Accordingly [redacted] maintains [redacted] has a clean criminal record and offers that [redacted] was honest and frank without any intention to deceive the [redacted]

21. The OIOS noted that contrary to [redacted] statement, the [redacted] attached to [redacted] statement shows that on [redacted] [redacted] was indeed arrested, that [redacted] pleaded guilty, and was sentenced to [redacted] for a period of [redacted] on a charge of [redacted]

B. Outside Occupation

4. [redacted]

22. During [redacted] interview with the OIOS, [redacted] admitted that [redacted] is [redacted] business, which [redacted] operates after working hours, and which generated revenue during the previous [redacted] of about [redacted]. [redacted] further admitted that [redacted] had not sought approval from the [redacted] to engage in an outside occupation. [redacted] stated that [redacted] only became aware of this obligation under the Staff Regulations and Rules when [redacted] recently completed the Organization's on-line Ethics training programme [redacted]

C. False Identity of [redacted]

23. During [redacted] interview with the OIOS, [redacted] admitted to having [redacted] under [redacted] own name and a false one, namely [redacted]. [redacted] stated that in [redacted] [redacted] obtained the fake [redacted] in [redacted] to effect a [redacted] transaction for [redacted] friend, [redacted]

[redacted]

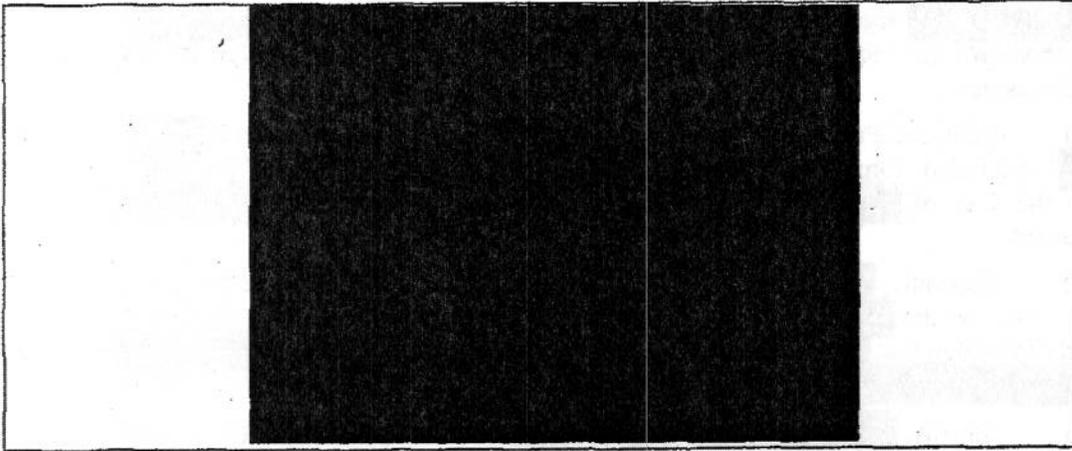


Figure 4: [redacted] issued as [redacted]

24. [redacted] added that [redacted] divorce led to foreclosure [redacted] situated at [redacted] a certain [redacted] [redacted] acquired it [redacted] foreclosure," and [redacted] later acquired it from [redacted] on behalf of [redacted] whom [redacted] claims indeed exists. The transaction required the presence of [redacted] who was not present in the [redacted] [redacted] fraudulently obtained a [redacted] in [redacted] name, and was then signed as [redacted] and so closed the transaction. According to [redacted] again "recently" had to act and sign transfer documents, pretending to be friend, [redacted] According to [redacted] this was necessary when [redacted] decided to donate the [redacted] to [redacted] again assumed the identity of [redacted] to effect the transfer.

25. [redacted] in response to the OIOS's question whether [redacted] realized that [redacted] had committed a fraudulent act, replied that [redacted] was not conversant in law and could not say whether [redacted] actions constituted fraud; [redacted] was also not aware that it was against the law in the [redacted] to obtain a [redacted] using another person's name. However, [redacted] admitted that [redacted] name was not [redacted]

VI. Findings

A. Misrepresentation to the Organization

26. Evidence shows that [redacted] made a misrepresentation to the [redacted] by not disclosing [redacted] criminal record on [redacted] By doing so, [redacted] rendered [redacted] liable to termination or dismissal.

[redacted]

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27. [REDACTED] argument that the "incident arose from a [REDACTED]" and was therefore not required to be disclosed to the [REDACTED] is rejected for the following reasons:

a) First, the Penal Code of [REDACTED] distinguishes between a [REDACTED] [REDACTED] (excluded from disclosure requirement by the [REDACTED]), and "violation", which in the case of [REDACTED] can carry a sentence of up to [REDACTED] imprisonment.

b) Secondly, [REDACTED] contention that [REDACTED] was not arrested or convicted is wrong. Even on the [REDACTED] provided by [REDACTED] to the OIOS, it is clearly indicated that [REDACTED] was arrested, appeared before the [REDACTED] as a defendant, and was convicted after pleading guilty.

c) Thirdly, [REDACTED] initially, during [REDACTED] interview, admitted that because [REDACTED] appeared as a defendant before a [REDACTED] [REDACTED] should have indicated "yes" with detailed circumstances. Further, that [REDACTED] misrepresentation rendered [REDACTED] liable for dismissal or termination. Also, during [REDACTED] review of the record of conversation, [REDACTED] still held this view and went so far as to add a "to" to the sentence: "I will tick "YES" now and give details if I have to fill out today", showing that [REDACTED] read the record with due care and attention. (emphasis added) It was only in [REDACTED] statement provided to the OIOS a few days later that [REDACTED] stated that [REDACTED] response on the form was not a misrepresentation.

28. Based on these grounds, the OIOS finds that [REDACTED] misrepresented facts to the [REDACTED] by not disclosing that [REDACTED] was arrested, appeared as a Defendant before a [REDACTED] and was convicted for violation of a law as stated on the form. [REDACTED] evasive manner in accepting responsibility for a wrongdoing reflects negatively on [REDACTED] integrity and is inconsistent with the standards expected of international civil servants.

B. Outside Occupation

29. [REDACTED] admitted to the OIOS that [REDACTED] did not seek approval from the [REDACTED] to engage in an outside occupation, namely operating [REDACTED] a [REDACTED] business.

30. The OIOS finds [REDACTED] defense of ignorance of [REDACTED] duty to seek approval, unacceptable. [REDACTED] committed [REDACTED] on [REDACTED] appointment to respect [REDACTED] obligations as set forth in the Staff Regulations and Rules. Further, as [REDACTED] in the [REDACTED] is exposed to the Staff Regulations and Rules on a frequent basis. In addition, [REDACTED] work as [REDACTED] entails identifying and evaluating risks to [REDACTED] flowed from [REDACTED] report.

[REDACTED]

C. False Identity of [REDACTED]

31. The OIOS finds that as admitted by [REDACTED] knowingly and willfully assumed the false identity of [REDACTED]. Further, [REDACTED] applied for and was issued a [REDACTED] under the name [REDACTED] which instrument [REDACTED] uttered to identify [REDACTED] in order to effect at least [REDACTED] transactions in this false name.

32. The OIOS finds that [REDACTED] committed criminal offences in the [REDACTED]

VII. Conclusions

33. Given the above improper actions by [REDACTED], the OIOS concludes that [REDACTED] conduct is inconsistent with the obligations expected of an international civil servant.³⁰ As [REDACTED] actions are particularly improper, [REDACTED] have a duty to adhere to the highest standards of behaviour, for example honesty and candour. In order to sustain public confidence, [REDACTED] conduct should be above suspicion and reproach. [REDACTED] conduct, as demonstrated by the evidence shows the opposite. Both before and after joining [REDACTED] conducted [REDACTED] in a dishonest way and violated local laws. [REDACTED] knowingly and willfully obtained and used a false official document to [REDACTED]. In addition, [REDACTED] made misrepresentations to [REDACTED] which render [REDACTED] liable for dismissal and termination.

34. [REDACTED] also violated Staff Regulation 1.2(o) in that [REDACTED] engaged in an outside occupation without prior approval of the [REDACTED]

VIII. Recommendations

35. The OIOS makes the following recommendations in view of the findings of this investigation:

Recommendation 1: It is recommended that the [REDACTED] Office of [REDACTED] of the United Nations, in consultation with the [REDACTED] takes appropriate action against [REDACTED] for (a) making a misrepresentation on [REDACTED] and b) [REDACTED] engagement in a revenue earning business, namely [REDACTED] without prior approval of the [REDACTED] ([REDACTED])

Recommendation 2: It is recommended that the [REDACTED] considers the referral of this case to the appropriate [REDACTED] authorities for prosecuting [REDACTED]

[REDACTED]

