



United Nations

Nations Unies

**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 MISUSE OF INFORMATION AND
COMMUNICATION TECHNOLOGY RESOURCES**

REDACTED REPORT

ID Case No. 0001-09

22 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.

TABLE OF CONTENTS

I. INTRODUCTION..... 1

II. APPLICABLE LEGAL NORMS..... 1

III. IMPLICATED PERSONNEL..... 2

IV. METHODOLOGY 2

V. INVESTIGATIVE DETAILS..... 2

 A. RECEIVING, DISTRIBUTING AND STORING [REDACTED]..... 4

 B. OIOS INTERVIEW WITH [REDACTED]..... 4

VI. FINDINGS..... 5

VII. CONCLUSIONS 6

VIII. RECOMMENDATIONS..... 6

IX. [REDACTED]..... 6

X. [REDACTED]..... 12

I. INTRODUCTION

1. On [REDACTED], the Investigations Division of the Office of Internal Oversight Services (OIOS) obtained information indicating possible misuse of the United Nations information and communication technology (ICT) resources and data by [REDACTED].

2. Further information suggested that [REDACTED] a [REDACTED] with [REDACTED] may have misused the information and communication technology (ICT) resources and data of the United Nations.

3. This report describes the investigation conducted by OIOS into this matter.

II. APPLICABLE LEGAL NORMS

4. Staff Regulations of the United Nations

Regulation 1.2 – Basic rights and obligations of staff

(b) Staff 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.

(q) Staff members shall only use the property and assets of the Organization for official purposes and shall exercise reasonable care when utilizing such property and assets.

5. ST/SGB/2004/15 – Use of information and communication technology resources and data

Section 1 – Definitions

(e) Personal use: use of ICT resources by an authorized user for other than official purposes and within the scope of his or her authorization.

Section 2 – Conditions applicable to use of ICT resources and ICT data

(a) Use of ICT resources and ICT data shall in all cases be in accordance with the provisions set out in this bulletin and such other administrative issuances as may apply to them;

(b) Authorized users shall promptly report to the appropriate United Nations authority any violation of the provisions of this bulletin of which they become aware.

Section 4 – Limited personal use

4.1 Authorized users shall be permitted limited personal use of ICT resources, provided such use:

(a) Is consistent with the highest standard of conduct for international civil servants (among the uses which would clearly not meet this standard

are use of ICT resources for purposes of obtaining or distributing [REDACTED];

Section 5 – Prohibited activities

5.1 Users of ICT resources and ICT data shall not engage in any of the following actions:

(c) Knowingly, or through gross negligence, using ICT resources or ICT data in a manner contrary to the rights and obligations of staff members;

III. IMPLICATED PERSONNEL

6. [REDACTED] joined the Organization on [REDACTED] holds a [REDACTED] at [REDACTED] as a [REDACTED] at the [REDACTED]

IV. METHODOLOGY

7. The investigation included, but was not limited to, the collection and analysis of documents and the interview with [REDACTED]. Pursuant to ST/SGB/2004/15, OIOS also examined a sampling of the United Nations [REDACTED] from a [REDACTED] created in [REDACTED]

8. OIOS interviewed [REDACTED]. Subsequently, [REDACTED] signed the typed record of [REDACTED] interview, stating that it accurately reflected [REDACTED] responses to questions posed during [REDACTED] interview.

9. Prior to finalizing this report, [REDACTED] was provided a copy of the draft Investigative Details section for comment [REDACTED]. An acknowledgement of receipt of the invitation to comment was generated by [REDACTED], however, no response was provided by the due date [REDACTED].

V. INVESTIGATIVE DETAILS

A. RECEIVING, DISTRIBUTING AND STORING [REDACTED]

10. OIOS conducted a review of [REDACTED] and found in [REDACTED] that were [REDACTED] or [REDACTED] in content. One of these [REDACTED] is depicted in [REDACTED]

[REDACTED]

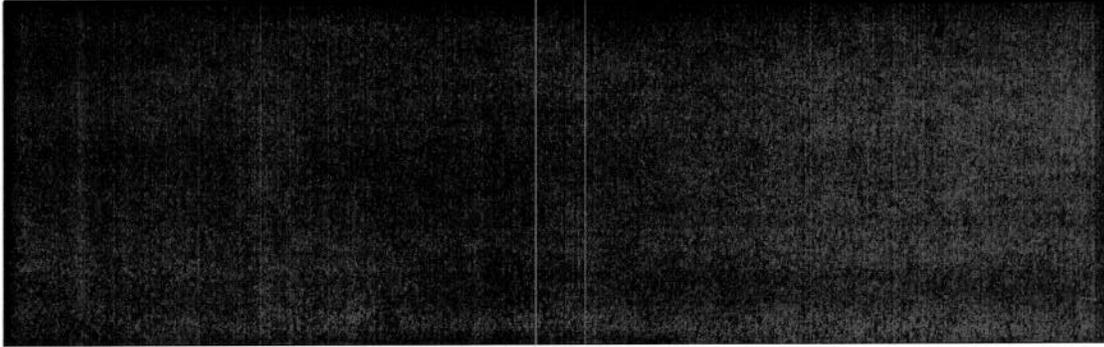
[REDACTED]

11. OIOS also identified [REDACTED] that were [REDACTED] or [REDACTED] in content sent from [REDACTED]. One of the [REDACTED] is shown in [REDACTED]

[REDACTED]

12. In addition, OIOS identified a [REDACTED] entitled [REDACTED] in [REDACTED]. The [REDACTED] included [REDACTED] containing [REDACTED] that were [REDACTED] or [REDACTED] in content that were sent to [REDACTED] from other [REDACTED]. [REDACTED] of these [REDACTED] is shown in [REDACTED]

[REDACTED]

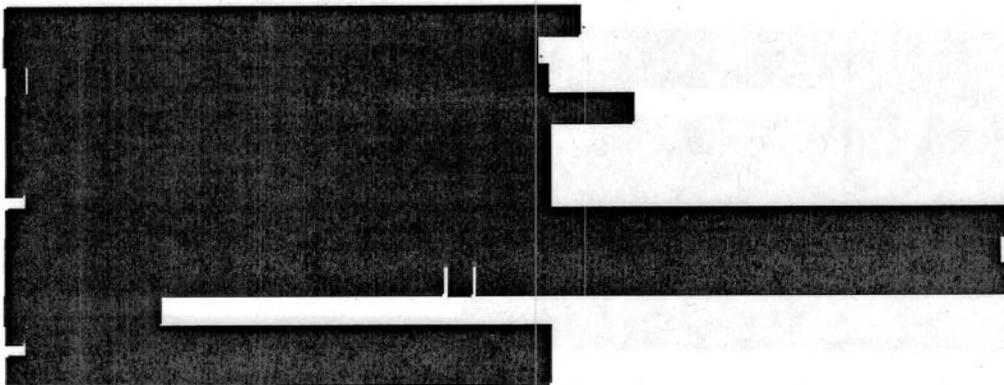
**B. OIOS INTERVIEW WITH [REDACTED]**

13. During [REDACTED] interview with OIOS, [REDACTED] stated that [REDACTED] was unaware of the [REDACTED] policies regulating the use of the Organization's ICT resources and data. [REDACTED] explained that [REDACTED] was not 'directly' aware of ST/SGB/2004/15, however [REDACTED] acknowledged that [REDACTED] 'may have seen it, but ... probably did not read it.' Further, [REDACTED] acknowledged that as a staff member of the United Nations that you are obliged to follow the rules and regulations of the Organization that regulate the conduct of an international civil servant.

14. When asked about [REDACTED] understanding of the "proper" and "improper" use of ICT resources and data, [REDACTED] stated that "proper use" meant 'things that should be kept in-house or confidential, and no destruction of the equipment' and "improper" would 'be the opposite...destroying the equipment or passing information to people who were not supposed to have it.' [REDACTED] stated that [REDACTED] used [REDACTED] for non-related work such as 'checking [REDACTED]s on the [REDACTED] or [REDACTED]'

15. According to [REDACTED] entails ' [REDACTED] acts in terms of [REDACTED] or [REDACTED]' [REDACTED] elaborated that ' [REDACTED]' is more outrageous than what would be considered the 'norm.'

16. OIOS investigators showed [REDACTED] [REDACTED] found in [REDACTED] [REDACTED] admitted that [REDACTED] had probably seen the [REDACTED] and attachments before [REDACTED] interview with OIOS. However, [REDACTED] stated that the [REDACTED] were sent to [REDACTED] and that [REDACTED] had not asked for them.



17. [REDACTED] was further shown [REDACTED] found in [REDACTED] and [REDACTED] acknowledged that [REDACTED] had forwarded [REDACTED] to others [REDACTED] When asked if any of [REDACTED] asked [REDACTED] to send them [REDACTED] stated there was a possibility that [REDACTED] and [REDACTED], a [REDACTED] might have asked [REDACTED] to do so, but [REDACTED] could not recall when the request was made.

18. Further [REDACTED] added that, [REDACTED] did not recollect requesting [REDACTED] to send [REDACTED] any [REDACTED] or [REDACTED] However it was possible that [REDACTED] may have told [REDACTED] that [REDACTED] had [REDACTED] to send and that [REDACTED] requested [REDACTED] to forward it without knowing the [REDACTED] of the [REDACTED] at that time.

19. When asked about the [REDACTED] entitled [REDACTED] found in [REDACTED] and when shown the [REDACTED] or [REDACTED] content therein, [REDACTED] acknowledged that [REDACTED] had created the [REDACTED] but not specifically for these [REDACTED] further stated that [REDACTED] "probably opened [REDACTED] at a [REDACTED] and just stored them in [REDACTED]

20. [REDACTED] agreed that the [REDACTED] shown to [REDACTED] during [REDACTED] interview were [REDACTED] or [REDACTED] in content. [REDACTED] When asked why [REDACTED] had received and sent this material, [REDACTED] stated that "it was something that I randomly might have passed on [REDACTED]

21. Furthermore [REDACTED] stated that nobody objected to the [REDACTED] that [REDACTED] had sent with [REDACTED] or [REDACTED] and that [REDACTED] too did not complain about receiving such material. [REDACTED] confirmed that [REDACTED] did not report receipt of the [REDACTED] to the appropriate [REDACTED] and that prior to [REDACTED] interview [REDACTED] was unaware that as a [REDACTED] you are not allowed to use you [REDACTED] access, store and/or distribute [REDACTED]

FINDINGS

22. Based on the evidence adduced, OIOS established that [REDACTED] misused [REDACTED] and [REDACTED] by receiving, distributing, and storing [REDACTED] that are [REDACTED] or [REDACTED] in content, thereby failing to comply with [REDACTED] obligations as a staff member of the United Nations.

[REDACTED]

23. OIOS further finds that [REDACTED] failed to comply with [REDACTED] obligation as a United Nations staff member to report to the appropriate United Nations authority that other staff members were misusing their [REDACTED].

24. Furthermore, OIOS established that [REDACTED] actively stored [REDACTED] containing [REDACTED] with [REDACTED] or [REDACTED] content on [REDACTED], notably in [REDACTED] in a [REDACTED] that [REDACTED] created entitled [REDACTED].

25. The United Nations Administrative Tribunal endorses the principle that ignorance of the law is not exculpatory. [REDACTED] Therefore, [REDACTED]' claim that [REDACTED] was unaware of [REDACTED] obligations concerning the use of [REDACTED] does not provide [REDACTED] with an acceptable excuse for [REDACTED] failure to comply with the rules and regulations of the United Nations.

VII. CONCLUSIONS

26. [REDACTED], contrary to the provisions of staff regulation 1.2 (q) and section 4.1 (a) of ST/SGB/2004/15, misused ICT resources by receiving, distributing and storing material that is [REDACTED] or [REDACTED] in content.

27. By doing so, [REDACTED] engaged in prohibited activities in contravention of section 5.1 (c) of ST/SGB/2004/15 in that [REDACTED] used the [REDACTED] in a manner contrary to [REDACTED] rights and obligations as a staff member.

28. [REDACTED] also failed to comply with [REDACTED] obligations under section 2 (b) of ST/SGB/2004/15 in that [REDACTED] did not report the improper use of [REDACTED] by United Nations staff members.

29. Based on the foregoing, OIOS concludes that [REDACTED] failed to observe the standards of conduct expected of an international civil servant.

VIII. RECOMMENDATIONS

30. In view of the preceding findings, OIOS makes the following recommendation:

Recommendation 1: It is recommended that the [REDACTED] and [REDACTED] take appropriate action against [REDACTED].

[REDACTED]