

Statement on the OIOS “Dekoa Review” Report

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In my testimony before the US Congressional Sub-Committee on 30 April 2019¹ I referred to the existence of a confidential report written by OIOS which was an internal review of the investigations into sexual misconduct in Dekoa in the Central African Republic in 2015 and 2016.

I *know for a fact* that:

- 1) the document **exists**, albeit in draft form,
- 2) the final report was expected to be released in the first quarter of 2018, but
- 3) it was never finalised.

I have *very strong reasons to believe* that the report was never finalised because it was critical of

- 1) the competence of some of the OIOS/ID staff assigned to the investigation, and
- 2) the management of the investigation by OIOS Investigations Director Ben Swanson,

but nevertheless *several* copies of the draft are understood to have been made and distributed to key senior management figures in the UN. I am not surprised that no action has been taken on it, by any of them.

The implications here are not trivial. The allegations received from the CAR were very serious. Literally *hundreds* of women and girls came forward to claim that they had been raped or sexual abused. The UN has been very keen to discredit many of these complainants, but conveniently overlooks how they first tried to just cover up the reports.

Despite the rhetoric and the sound bites, the conclusion to be made is that the UN is not interested in the truth where it points to a widespread culture of rape and sexual assault by personnel in the field.

Moreover, when the UN does investigate an allegation of a sexual assault - such as raping a child - it does so from only an *administrative* perspective; to determine whether or not the staff member did something that could result in his being dismissed. Only if the OIOS investigation is able to prove “*by clear and convincing evidence*” that the staff member did so will the UN agree to refer the case to the national authorities for them to initiate a criminal investigation and prosecution.

The consequences of any “shortfalls” by OIOS investigators include the very real possibility of serial rapists never being held criminally accountable for their crimes. The UN will not even dismiss them, but will leave them to pursue their careers in the field where they will continue to have access to vulnerable women and children.

1 <http://petergallo.com/wp-content/uploads/2019/05/Statement-Congress-30-Apr-2019-Peter-A-Gallo.pdf>

The sad fact is that the UN benefits from incompetence by UN investigators. If the investigators fail to find misconduct, the Secretary-General is free to assure the General Assembly that there is no significant 'sexual exploitation and abuse' problem to damage the Organization's reputation.

Wilful blindness to incompetence by UN investigators is a major contributor to the culture of impunity that blights UN field missions, especially with regard to sexual assaults of local women and children. Incompetent investigators are as big a threat to women in Africa as are those who rape them.

The abuses in Dekoa in the CAR were the subject of a three part feature by journalist Philip Kleinfeld, in *'The New Humanitarian'* in July 2018. In part 3², OIOS Investigations Director Ben Swanson confirmed that the Dekoa Report did exist, and publicly confirmed the widely held suspicion that it was very critical of his Division's activities when he said that he was “*not going to wash our dirty linen in public.*” That is curious choice of phrase, and not something that he would have said if there was no real “dirty linen” to be embarrassed about.

There is an unconfirmed rumour that OIOS took DNA swabs (presumably from babies) then stored them improperly for twelve months so that by the time the samples taken were no longer viable evidence. Mr. Swanson admitted that this happened to just 2 or 3 swabs, the rumour is that it was many more.

I do not know if this is true, and cannot hypothesise about what those DNA samples *might* have proved. It is entirely possible that even if the swabs were handled properly and tested immediately, they would still never have proved paternity of any children. Even if they did, paternity does not automatically prove rape. Sex could have been consensual, even if commercial – except, of course, *if the girl was a minor at the time.*

In the final analysis, speculation is of limited value. Without sight of the report, the General Assembly is left to rely on Swanson's uncorroborated and self-serving assurances that OIOS performed professionally and these allegations were all investigated diligently.

Having worked in OIOS myself, and having been consulted on numerous other cases of OIOS misrepresenting the facts of investigations; I do not believe this is satisfactory.

Swanson did confirm to *'The New Humanitarian'* that there were “*shortfalls*” in the “*quality of interviewing by national investigators and some of our own interviewers.*”

In the first instance, allegations of *shortfalls* in the interviewing skills of Burundian or Gabonese investigators should not be relevant in a review of OIOS's own activities, and would have absolutely no bearing on investigations into allegations against UN civilian staff. Criticising the National Investigation Officers, whose jurisdiction is limited to their own peacekeeping troops, serves to deflect attention away from Swanson's more significant admission that there were some “shortfalls” in the “*quality of interviewing by.... some of our own interviewers.*” He also said that the report “*has since been used to train other UN staff on the “lessons drawn” from Dekoa.*”

That is curious, because my information is that no such “lessons learned” were ever disseminated to

2 Part 3: ‘I have no power to complain’: Victims of sexual abuse by UN peacekeepers find little support or justice
Online at: <https://www.thenewhumanitarian.org/special-report/2018/07/25/central-african-republic-peacekeeper-sexual-abuse-investigation>

OIOS investigators. In any event, if there *were* lessons to be learned, some things must have been done very badly; which implies that some of the investigators must have demonstrated serious “performance shortcomings” as defined in ST/AI/2010/5.

Does OIOS ever actually deal with professional incompetence among its investigators? We know that one of the senior investigators on the Dekoa investigation was the same individual as was responsible for the mismanagement of a previous investigation into a statutory rape allegation (See *Applicant, UNDT/2016/022*) but was nevertheless promoted afterwards; which suggests that he nevertheless received at least a “Meets Expectations” rating in his Annual Appraisals.

This reinforces the hypothesis that the UN is very content to not just turn a blind eye to incompetence among OIOS investigators but will even promote them, in preference to other investigators who are less prone to *political influences*.

In my own case, my professional reputation was attacked after I dared to challenge my supervisor's assertion that as an investigator, I must only ask questions that had been pre-approved by my supervisor, and never to ask questions “*just to satisfy my curiosity.*”

That made no sense to me then, it makes even less sense to me now, and it has never made sense to any of the thousands of investigators that have heard it.

It does, however, indicate that the UN does not want investigators who can show initiative or challenge a patently false answer from an interviewee. It also tends to reinforce what someone told me once; that the Organization prefers investigators who are “dumb and docile.”

So, if I have any personal interest in the conduct of OIOS in Dekoa, they are related to such question as what “shortfalls” were identified, and more importantly, what did Swanson, as the Investigations Director do about them – and when?

My intellectual curiosity aside, what is more important is that any “shortfalls” in the UN's investigation of child sex abuse serves to ensure that the perpetrator is never held accountable for his actions - either administratively or criminally - and it is not unreasonable to expect that they will continue to sexually exploit and abuse local women in the future.

The credibility of every investigation, into all *sexual exploitation and abuse* and all *sexual harassment* allegations in the UN, rests on what the Dekoa Report actually found about the OIOS investigations in the CAR.

I would like to see a copy. I will also protect the identify of anyone I know (or suspect) to be the source of that document (or in any way connected to the source of that document).



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