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**OFFICE OF INTERNAL OVERSIGHT SERVICES
INVESTIGATIONS DIVISION**

**REDACTED
REPORT OF INVESTIGATION**

ID CASE NO. 0098/05

27 February 2006

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I. INTRODUCTION

1. In March 2005, the Investigations Division of the Office of Internal Oversight Services of the United Nations (ID/OIOS) was requested by the Office of the Secretary-General (OSG) to investigate a series of allegations made by the complainant, Officer 1, United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA), Gaza against Official 1, UNRWA Operations, Gaza. These allegations include sexual harassment, harassment and abuse of authority. Official 1 retired from the Organization on 15 December 2005.
2. Officer 1 initially raised her allegations in a letter to the Secretary-General dated 1 November 2004. She then travelled to the United Nations Headquarters, New York (UNHQ) on 2 December 2004 to lodge her complaint with Official 2. That same day, Official 2 briefed Senior Official 1, with regard to the complaint. On 20 February 2005 UNRWA commenced an investigation.
3. Officer 1 did not cooperate with the UNRWA personnel appointed by Senior Official 1 to conduct an investigation, believing that her allegations would not be investigated in a serious and transparent manner. UNRWA's limited investigation found no corroborative evidence to support her claims.
4. On 21 March 2005, Officer 1 contacted ID/OIOS, which agreed to conduct its own investigation. It should be noted that Officer 1 has been on sick leave from UNRWA since September 2004, but with the assistance of ID/OIOS she has been redeployed to a position at UNHQ.

II. BACKGROUND INFORMATION

5. UNRWA was established by United Nations General Assembly resolution 302 (IV) of 8 December 1949 to carry out direct relief and works programmes for Palestine refugees. UNRWA is a relief and human development agency providing education, healthcare, social services and emergency aid to over four million refugees living in the Gaza Strip, the West Bank, Jordan, Lebanon and Syria. The Gaza Field Office consists of a number of separate administrative and management units and is located adjacent to UNRWA Headquarters.
6. Officer 1 commenced employment with UNRWA in January 2001. During the time covering the allegations, Officer 1 dealt with matters within the domain of the office, including the supervision of staff. In April 2004, Officer 1 was also appointed as a Focal Point at Gaza Field Office. However, she received no training for this position.
7. Initially, her line manager was Official 1. He was also the alternate designated security official for UNRWA and worked in close proximity with Staff Member 1. In April 2002 Official 3 became Officer 1's line manager. However, Official 1 continued to oversee aspects of Officer 1's work duties until her departure from Gaza in late 2004.
8. During a large part of Officer 1's tenure with the agency and up until she went on sick leave, the security threat assessment for Gaza was listed as *Critical Phase 4*, due to Israeli Defence Force (IDF) operations in the area. This resulted in a number of military

engagements in Gaza between the IDF and Palestinian Militias, which were stressful and life threatening for both staff members and the local community. *Critical Phase 4* allows for the relocation of staff not critical to the delivery of emergency/humanitarian operations or security matters. Officer 1 was deemed to be an essential staff member and remained in Gaza throughout her employment.

9. Officer 2 and Officer 3, both of UNRWA, were appointed in February 2005 to conduct an inquiry into Officer 1's complaint to the Secretary-General. While neither had any formal investigative training, they felt they had conducted the investigation to the best of their abilities, without prejudice to any party. They found no evidence to support Officer 1's allegations, nor did they find any evidence to suggest influence by Official 1 or anyone else in this investigation. However, they felt their investigation was incomplete because Officer 1 refused to cooperate.

III. APPLICABLE LAW

10. Sexual Harassment: ST/AI/379, Paragraph 2 :

“Any unwelcome sexual advance, request for sexual favours or other verbal or physical conduct of a sexual nature, when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. It is particularly serious when behaviour of this kind is engaged in by any official who is in a position to influence the career or employment conditions (including hiring, assignment, contract renewal, performance evaluation, or promotion) of the recipient of such attentions.”

Staff Regulation 1.2(g):

“Staff members shall not use their office or knowledge gained from their official functions for private gain, financial or otherwise, or for the private gain of any third party, including family, friend or those they favour. Nor shall staff members use their office for personal reasons to prejudice the position of those they do not favour.”

Staff Rule 101.2(d):

“Any form of discrimination or harassment, including sexual or gender harassment, as well as physical or verbal abuse at the workplace or in connection with work, is prohibited.”

Use of Information and Communication Technology Resources and Data, ST/SGB/2004/15, Section 5.1:

“Users of ICT resources and ICT data shall not engage in any of the following actions: (b) Knowingly, or through gross negligence, making ICT resources or ICT data available to persons who have not been authorized to access them; (c) Knowingly, or through gross negligence, using ICT resources or ICT data in a manner contrary to the rights and obligations of staff members (e) Knowingly accessing, without authorization, ICT data or the whole or any part of an ICT resource, including electromagnetic transmissions.”

IV. METHODOLOGY

11. ID/OIOS interviewed Officer 1 on a number of occasions and obtained a comprehensive account of her allegations. The content of every interview was discussed with her at the end of each interview to ensure its accuracy.
12. All those named as witnesses by Officer 1 were interviewed by ID/OIOS as well as others who were identified as possessing information relevant to the investigation. The personnel from UNRWA who were tasked initially to investigate this matter were also interviewed, and their investigation report examined. In excess of seventy witnesses were interviewed, including current and former UNRWA staff. ID/OIOS also reviewed and collected documents, examined telephone records and visited Officer 1's former apartment building in Gaza to survey the building and the surrounding area.
13. ID/OIOS investigators were extremely mindful of the sensitivities of this case, both to Officer 1 and other witnesses, and the respective gender, cultural and religious issues. Great care was taken during the investigation and interview process. There were delays in the Gaza field work because of security concerns in the area, which included the Israeli disengagement from Gaza.
14. Officer 1 also provided ID/OIOS with two recordings she had made while speaking by phone with Official 1. However, both recordings were of poor quality and largely inaudible. Professional and laboratory enhancement arranged by ID/OIOS did not improve their quality. When reviewed by ID/OIOS after enhancement, only the voice of Officer 1 was audible.

V. SUMMARY OF ALLEGATIONS/INVESTIGATIVE DETAILS

15. The allegations made by Officer 1 were reviewed by ID/OIOS and grouped in four categories. The investigative details appear after the listing of allegations.

A. Alleged Sexual Harassment by Official 1

16. Officer 1 alleged that Official 1 sexually harassed her beginning in mid-2001. Specifically she alleged:
 - a) that except for the first three months of her employment in Gaza, Official 1 sexually harassed her and made sexually explicit comments towards her of an indecent, obscene, offensive and insulting nature, specifically that he told her that he had "the sperm of a 20 year old and asked if [she] would like to try it", asked to have sexual intercourse with her and groped her buttocks on several occasions.
 - b) that Official 1 told her that he had used his binoculars in his apartment to watch her in her apartment and commented on what she had been wearing at that time. Officer 1 advised ID/OIOS that Official 1's detailed accounts of her clothing had been accurate.
 - c) that Official 1 knew she was offended by these remarks.
 - d) that Official 1's comments and his actions took place over a two year period and stopped on or about August 2003, when she refused to have a sexual relationship

- with him. She also advised that she had always rejected Official 1's sexual advances and told him that his behaviour was unprofessional and inappropriate.
- e) that other staff members had witnessed her suffering and distress in this regard.
 - f) that Official 1 used his power and authority to coerce his partner, Staff Member 2 (an UNRWA staff member), into having a sexual relationship with him.

Investigative Details

17. Officer 1 advised ID/OIOS that she had previously confided in three friends, Witness 1, Witness 2, and Witness 3, about her sexual harassment by Official 1. All three were interviewed, however ID/OIOS noted that none of them were interviewed for the UNRWA report.

Interview of Witness 1, friend of Officer 1

18. Witness 1 has known Officer 1 since 1994: they attended the same University together and became close friends. Although Witness 1 lived in New York while Officer 1 was stationed in Gaza, she said they spoke by phone at least twice a month. She stated that initially Officer 1 said "her boss," Official 1, was very friendly and communicative, but three months later, about April 2001, she related that Official 1 was acting in an unprofessional and inappropriate manner towards her: he asked about her boyfriend and said his wife lived in France, so he had a girlfriend in Gaza. Officer 1 also told her that Official 1 would call her to his office and spend several hours chatting about his relationship with his wife and questioning Officer 1 about her boyfriend.
19. Several months after this, Officer 1 told Witness 1 that Official 1 made comments on the size of her breasts, her body and the colour of her underwear, and touched her buttocks on two occasions. Witness 1 said she advised Officer 1 to report him, but she responded that she was too intimidated by his power and position and feared she would lose her job.
20. As time went on, Witness 1 said Officer 1 described Official 1's behaviour as more extreme. She recalled that Officer 1 said her boss had asked if she would "like to test the quality of his sperm," and she cried while recounting this and other incidents on the phone. Witness 1 was not sure of the timeframe of this remark, but believes she was told this in 2003.
21. Witness 1 and Officer 1 met in New York during December 2002. Witness 1 said that prior to her arrival in Gaza, Officer 1 had been happy, outgoing, full of energy, positive and dynamic, but at this point she was clearly depressed and stressed out.
22. Officer 1 told Witness 1 that after she firmly rejected Official 1's advances in 2003, he started to harass her in the workplace, by isolating her and not inviting her to meetings. Witness 1 said that she had no reason to doubt Officer 1's accounts of events and that her change in personality verified her accounts, but that she had no independent evidence of the statements Officer 1 made in their telephone conversations.

Interview of Witness 2, former UNRWA Officer

23. Witness 2 was an official in UNRWA Headquarters, Gaza, UNRWA when Officer 1 joined UNRWA. He stated that he and Officer 1 gradually became friends and she

confided in him starting in September 2002. He said that he had noted instances when Officer 1's actions and admissions led him to the opinion that she was perhaps being sexually harassed and was in fear of Official 1.

24. Witness 2 noted that when they travelled together in his car to Israel, she would attempt to hide her face when passing the checkpoint. When he asked her why, she, although embarrassed, told him that Official 1 had forbid her to communicate or socialise with others at UNRWA HQ. He also stated that Officer 1 told him that Official 1 had asked her to spend the night with him. Witness 2 stated that he advised Officer 1 to lodge a complaint against Official 1, but she replied that she did not have faith in UNRWA to seriously investigate her complaint, and she feared retaliation and loss of her job. She also made Witness 2 promise that he would not disclose her pain and suffering unless she decided to do so herself.

Interview of Witness 3, former UNRWA Officer

25. Witness 3 joined UNRWA in 2004 . Gradually Officer 1 began to tell Witness 3 about the sexual harassment she had suffered from Official 1. She related that Officer 1 told her that she had rejected Official 1's sexual advances and that he attempted to coerce her into a relationship, telling her that he could make her life and career blossom. She, too, said that Officer 1 told her that Official 1, after a medical check-up during which he was told that he had the sperm of a 21 year old, hoped that she would taste it.
26. Officer 1 told Witness 3 that after she rejected Official 1's advances in mid-2003, their working relationship deteriorated, and she thought that Official 1 was taking revenge on her for rejecting his advances. Witness 3 advised ID/OIOS that previously she has dealt with cases of women's issues and abuse and concluded, based on Officer 1's emotional state, that her accounts were real and credible.
27. When visiting Officer 1's apartment in May to June 2004, Witness 3 noticed that the curtains were always drawn. Officer 1 explained that Official 1 would often call her while she was at home and ask that she look towards his the apartment building, which was diagonally opposite, and that he claimed to watch her with his binoculars and would later comment on her clothing. While these and other incidents were not observed by Witness 3, she did observe Officer 1's suffering, stress and anguish while she related them.
28. Witness 3 did witness some of the anonymous telephone calls Officer 1 received on her mobile phone, which she said she had been receiving since mid 2003 after she had rejected Official 1's advances. One evening in August 2004, Witness 3 noted that Officer 1's mobile phone rang on at least sixty occasions – the calls were silent and anonymous.

Interview with Official 4

29. On the morning of 25 September 2004, Officer 1 made an appointment and met with Official 4. Immediately after this meeting, Official 4 left on vacation for a couple of weeks and then went on sick leave. Official 4 noted that Officer 1, whom he knew had been quite ill and hospitalized, was frail and weak and was in a delicate condition.
30. At their meeting Officer 1 laid out a series of accusations against Official 1 similar to those in her later complaint dated 1 November 2004 to the Secretary-General. Officer 1

asked Official 4's advice on a course of action, and he gave her general advice, stating that he might find himself defending the Agency against her at some point. At no time did Officer 1 make a formal complaint to Official 4 in regard to her situation and she requested that he keep the conversation confidential.

31. In mid-November after his return to work, Official 4 read an email from Officer 1 which summarized their meeting of 25 September 2004. She wrote: *"I rely on your discretion to preserve the confidentiality of this correspondence as well as my earlier disclosure interview of the extreme sensitivity of the matter at stake."* She also mentioned a new incident which she perceived as a threat to her life. Official 4 then documented the 25 September meeting on 3 December 2004 in a memorandum to Senior Official 2 of UNRWA.
32. In his 3 December 2004 communication to Senior Official 2, he noted that Officer 1 told him that after Official 1 was told by his doctors that his sperm was *"like that of a 20-year old"* and he asked her if she wouldn't *"like to taste it."* Official 4 told ID/OIOS that he found Officer 1's words to be specific and graphic. Officer 1 also brought up several issues, such as the monitoring of her computer, Official 1's interference with prospective jobs, and the threatening text messages and anonymous phone calls. Official 4 understood that Officer 1 was suggesting that Official 1 wished to have sex with her, and that it would be advantageous to her career for her to cooperate.
33. Official 4 told ID/OIOS that at the time of his meeting with Officer 1 he did not have all the evidence and could not make a judgment. However, by the time of his interview, he had concluded that Officer 1's allegations were fanciful in his opinion. ID/OIOS notes that in his memorandum to Senior Official 2 that Official 4 stated: *"Given the situation as it now stands, my advice is that for the moment the Agency do nothing. . . ."*

Staff Member 3, former UNRWA Staff Member

34. Staff Member 3 advised that during her employment in Gaza, she claimed to have developed a maternal relationship with Officer 1. She stated that if Officer 1 had been the subject of any form of sexual harassment, discrimination or abuse of authority, Officer 1 would have advised her immediately, and she would have detected same herself. While Officer 1 claimed to be in a relationship with Official 1, Staff Member 3 did not believe her and saw no supporting evidence of this claim in the workplace. She advised Officer 1 to behave in a more mature and responsible manner.

Retired Staff Member, UNRWA

35. The retired Staff Member advised that he befriended Officer 1 during her tenure at Gaza. He stated that they were close friends and she would have confided in him had she actually experienced any form of harassment, and he would have noticed anything improper. He said he found Officer 1 immature and "an entertainer" who enjoyed attention from men. He also thought that she was jealous of Staff Member 2's relationship with Official 1. He added that he never saw Official 1 demean, harass or ridicule any person, including Staff Member 2 and Officer 1.

Staff Member 2, UNRWA

36. Staff Member 2, a locally recruited Islamic Palestinian staff member, is the personal assistant to Senior Official 2 of UNRWA. She confirmed that she and Officer 1 were in a consensual relationship during the period at issue. She considered Officer 1 to be a close friend, but thought she was immature and emotionally and mentally disturbed. She thought Officer 1 was jealous of her relationship with Official 1 and has no information or observations to suggest that Official 1 sexually harassed Officer 1.

Staff Member 4, UNRWA

37. Staff Member 4 advised that he and his wife were good friends with Officer 1 and also resided at the same apartment building. He claimed that had Officer 1 been sexually harassed, he would have observed the harassment and she would have confided in him. He said that Officer 1 frequently referred to the fact that she was single, desired to be married and find employment outside Gaza. It was his opinion that Officer 1's allegations were false and he suggested that she was beset by emotional and mental health problems. He also said that the security situation in Gaza and the numerous military engagements had troubled and upset her.

Official 3, UNRWA

38. When interviewed, Official 3 said that Officer 1 never told him that she was being harassed, nor did he observe her being sexually harassed or discriminated against within the workplace. Official 3 also said that in mid 2003, there were rumours and gossip in Gaza that Officer 1 was involved in a relationship with Official 1. She also gave the impression that she had the counsel of and unhindered access to Official 1. Official 3 did not believe the rumours. Consequently, Official 1 advised Official 3 that he wished to minimise any contact with Officer 1 in an attempt to squelch the rumours. From thereon, Official 3 increasingly dealt with Officer 1 from a line management perspective, but minimised his contact with her socially. In his view, he believed that Officer 1 was desperate to get married, as she had told him, and leave Gaza, and this may have given rise to her allegations.

Official 1, UNRWA

39. Official 1 was interviewed concerning these allegations, and firmly rejected them. He said he learned from Staff Member 3 in 2003 that Officer 1 appeared to be infatuated with him, and had informed her that she (Officer 1) was having an affair with him, well knowing that this claim was false. He also learned from Staff Member 3 and others that Officer 1 suggested that she could act with impunity with Official 1, which was a false assertion on her part. Consequently, Official 1 decided, in consultation with Official 3, to place some distance between himself and Officer 1. He also instructed his secretarial staff to keep his door open at all times when she was in his office. Official 3 and the secretarial staff corroborated Official 1's actions and instructions.

40. ID/OIOS subsequently interviewed all staff members from Officer 1's office, including those employed there during Officer 1's period of employment. None of them had observed that Officer 1 had been the victim of any form of sexual harassment, harassment or abuse of authority, either within the workplace or elsewhere. ID/OIOS also interviewed the secretarial staff within Official 1's office. None of them were able to

provide information to support the allegations, and commented that Official 1 was an honest, open and sensitive manager.

41. In respect of the allegation that Official 1 watched Officer 1 with binoculars from his apartment, ID/OIOS surveyed the former apartment of Officer 1. It was noted that all the windows in the apartment building have tinted glass, limiting the ability to see into the building from the outside. Officer 1 resided on the ninth floor of the building and Official 1's former apartment was within view, approximately 500 metres away.

B. Alleged General Harassment and Abuse of Authority by Official 1

42. From August 2003, Officer 1 alleged that Official 1 generally harassed her and abused his authority. Specifically she alleged:
 - a) that Official 1 sought to deliberately isolate her from workplace meetings and when she did attend such meetings, he embarrassed, ridiculed and demeaned her in front of colleagues. She claimed she was tearful and visibly upset on such occasions, and this was witnessed by colleagues.
 - b) that Official 1 refused her requests to take part in training courses.
 - c) that Official 1 opened an investigation against her for alleged improper use of an UNRWA vehicle.
 - d) that Official 1 attempted to coerce Officer 1 and Official 3 into rejecting the prospective employment of an Applicant, on race grounds.
 - e) that Official 1 sought to monitor her timekeeping and attendance in her office, in an attempt to further undermine her position, and had a member of his secretarial staff contact a representative from a commercial company to check on her attendance at a scheduled meeting with him in Israel.
 - f) that Official 1 deliberately disadvantaged Officer 1 by failing to upgrade her post from P3 to P4; refused to upgrade the position of her assistant; and sought to withhold the salary of her Consultant.
 - g) that Official 1 deliberately interfered in her employment applications with other agencies, specifically her application for a P4 position with the International Criminal Tribunal for Rwanda (ICTR) in April 2004, and a P5, P4 and P3 position with the United Nations Assistance Mission in Iraq (UNAMI) in December 2003.
 - h) that by these actions, Officer 1 alleged that Official 1 sought to undermine her position and authority, and so prejudice her interests.
 - i) that Official 1 mocked her Islamic faith.

Investigative Details

43. ID/OIOS interviewed all witnesses named by Officer 1 in support of her allegation that she was excluded from workplace meetings, and ridiculed and demeaned in front of colleagues. Those interviewed included non-UNRWA staff, secretarial staff from Official 1's office and staff in Officer 1's office, in addition to other serving and former UNRWA staff.
44. Witness 2 stated that Officer 1 had told him that Official 1 had begun to exclude her from workplace meetings, and Officer 4, UNRWA, Gaza, said that Officer 1 told him in 2003 that Official 1 was withholding work from her. No other evidence was provided by the other witnesses, including those named by Officer 1, which supports her allegations.

45. ID/OIOS interviewed Staff Member 7, the staff member who, at Official 1's request, inquired into Officer 1's use of an UNRWA vehicle. He advised that he did check whether Officer 1 had driven the vehicle from Gaza to Jordan in breach of security and operating guidelines. Officer 1 informed Staff Member 7 that she had not travelled to Jordan in the vehicle, but had left the vehicle at UNRWA's Jerusalem office for a week. Staff Member 7 said he would have approved this usage, but she had not made any request, which was a violation of operating guidelines. He said he reported this to Official 1 and that was the end of it. However, Staff Member 7's unit had been deprived of use of the vehicle for one week and did not know about its whereabouts because Officer 1 had failed to notify Staff Member 7.
46. ID/OIOS interviewed Official 3 concerning Officer 1's allegation that Official 1 asked Officer 1 and Official 3 to reverse their nomination of an applicant for a vacant position within UNRWA because of his race. Official 3 said that Official 1 had inquired about the candidate's qualifications and competency, but had not made such a request. He further stated that Official 1 had the authority to overrule the committee's recommendation of the applicant, but did not. The applicant received the position.
47. A number of witnesses testified that Officer 1 did not have comprehensive time management and organisation skills, and was often late for workplace meetings. At the request of both Official 1 and Official 3, secretarial staff were occasionally required to telephone Officer 1 to remind her of meetings. Official 3 told ID/OIOS that he had noted in her December 2003 performance evaluation report, which she signed, that she needed to be more efficient in her use of time.
48. ID/OIOS also interviewed a representative of the commercial company. He advised that he never received any telephone calls from anyone at UNRWA concerning Officer 1's attendance at meetings with him. Official 3, Official 1 and their respective secretarial staff also refuted Officer 1's allegation.
49. Concerning the allegation that Official 1 refused to upgrade her position to P4, ID/OIOS learned that Official 1 had in fact supported her application and had canvassed other senior management staff to do the same. Official 5 informed ID/OIOS that at that time, there were no P4 positions to which Officer 1 could have been upgraded. He also said that Official 1 supported the prospective upgrade of her Assistant but the upgrade was not approved by the Human Resources Committee.
50. A number of witnesses were interviewed with regard to Officer 1's allegation that the salary of Officer 1's Consultant was intentionally withheld. ID/OIOS established that his salary had been delayed, due to technical reasons arising from the review of his contract following an audit recommendation to do so.
51. ID/OIOS interviewed a number of witnesses involved in the recruitment and selection process, in both ICTR and UNAMI, with regard to Officer 1's employment applications. It was learned that Official 1 provided Officer 1 with a positive reference for the ICTR post and requested her input for his reference. The ICTR officer who interviewed Officer 1 considered her to be poorly prepared at the formal recruitment interview and relatively inexperienced in her field. Accordingly, she was not offered the position.

52. In a communication from Officer 1 to Official 1 seeking support for the ICTR position, apparently dated 16 March 2004, she wrote “...I seize this opportunity to express to you my deepest gratitude and would like to renew my thanks for your constant support since I joined the Agency and for your numerous advices that help me achieve a great job in UNRWA.” This is in stark contrast with her complaint against Official 1 to the Secretary-General, made a little more than a half year later. ID/OIOS asked Officer 1 why she accused Official 1 of thwarting her efforts to find a different post when at that time she sent him such a gracious email. She responded that the email was merely a way of pacifying him and its contents did not convey her true thoughts.
53. Concerning her application for the vacant position with UNAMI, of which Official 1 was not aware, ID/OIOS noted that she applied for P5, P4 and P3 positions. All the candidates for these positions were interviewed by DPKO by telephone. Based on her experience, Officer 1 was deemed by DPKO to be eligible only for the P3 position, which she was offered but rejected because she did not wish to be deployed to Baghdad, Iraq. It should be noted that this potential deployment was mentioned on the vacancy notice.
54. In respect of Officer 1’s allegation that Official 1 rejected her training requests, no evidence was found in support of her claims. A training request by Officer 1 was not met because the cost for this course was deemed to be exorbitant by the officer-in-charge of the Human Resources Division, Gaza – the course she wished to attend would have cost a sixth of the whole training budget.
55. ID/OIOS found no evidence that Official 1 has ever mocked or demeaned Officer 1’s religion or any other faith.
56. Official 1 rejected Officer 1’s allegations in their entirety, and stated that he had provided support to Officer 1 throughout her career in Gaza and that she was a conscientious worker. He also stated that he behaved in a professional manner with all staff members, and never sought to disadvantage or discriminate against anyone.

C. Alleged Monitoring of Computer Systems, Threats to Life and Instances of Alleged Collaboration

57. Officer 1 stated that in August 2004 Staff Member 6 went to her office to resolve a computer problem. Her colleague, Staff Member 5, was present at the time. Officer 1 alleged during this time:
- a) that Staff Member 6 claimed that Official 1 had requested ISO to monitor the use of computers in the legal office, particularly Officer 1’s.
 - g) that Staff Member 6 suggested that she was passing confidential information to the Israeli authorities, and that he had learned this from Official 1.
 - h) that the alleged passing of confidential information to the Israeli authorities was allegedly possibly disseminated by Staff Member 6 and/or Staff Member 5, who are both Palestinians, and that this alleged passing of confidential information was disseminated either deliberately or inadvertently to the Palestinian community, thereby placing her life in jeopardy. Officer 1 said that suggesting that someone within Gaza was collaborating with Israel was tantamount to a death sentence, if discovered by Palestinian militia groups.

- d) that Officer 1's apartment was fired on as a result of the remarks made by Staff Member 6 in front of Staff Member 5.
- e) that Official 1 had previously disclosed to her and Official 3 that Senior Official 2, and Official 6 UNRWA were collaborating with the Israeli authorities.
- f) that this incident and incidents of anonymous telephone calls and threatening text messages on her mobile phone were investigated, but not in a professional manner.

Investigative Details

- 58. ID/OIOS interviewed Staff Member 6. He stated that he had gone to Officer 1's office to resolve a computer problem. At that time Officer 1 asked him general questions about administration and privacy rights of information systems, and the procedures involved in accessing staff members' computers. In response, he stated that Official 1 had the right to access computers and email, but he advised her that Official 1 did not have and had not requested such access. He denied that Official 1 had directed ISO to monitor any of Officer 1's office computers. He also denied that he had told Officer 1 that Official 1 had suggested that Officer 1 was supplying information to the Israeli authorities. Staff Member 6 said that for the next two days Officer 1 called him to her office, complaining of computer problems, continued to question him about monitoring and accessing of computer information, and deliberately distorted his responses.
- 59. ID/OIOS interviewed Staff Member 5 who stated that Staff Member 6 did not tell Officer 1 that ISO was monitoring either Officer 1's or anyone else's computer. She also said that Staff Member 6 had not claimed that Official 1 had requested such monitoring on the grounds that Officer 1 was supplying information to the Israeli authorities.
- 60. ID/OIOS spoke to Official 7 and Official 8. Both advised that no computers in Officer's 1 office had been monitored, including those used by Officer 1, nor had Official 1 nor any other party inquired about monitoring those computers.
- 61. Official 1 and Official 3 were also interviewed and each denied that they had requested monitoring of Officer 1's office computers. Official 1 said he was aware of the procedure to request such monitoring, but has never done so.
- 62. On 29 October 2004, Officer 1 returned to her home following a period of hospitalisation and discovered a bullet hole in an interior wall within her apartment. Officer 1 contacted Staff Member 1, who met her at her apartment on 30 October 2004 to investigate the matter.
- 63. ID/OIOS interviewed Staff Member 1 who stated that he had examined the bullet hole in Officer 1's apartment and concluded that it had been fired from a building which, at that time, appeared to be occupied by armed Palestinian militia personnel. He then offered Officer 1 security advice in line with established protocols. He noted that there were a number of reported gunfire incidents and militia engagements in the area of Officer 1's apartment building. He advised it was feasible that Officer 1's apartment building was struck inadvertently, given the number of militia installations near it and the occasional presence of Israeli Defence Forces in the area at that time.

64. Staff Member 1 arranged for forensic photography of the shooting scene. From the entry point of the projectile and the striation marks left in the window, the projectile trajectory could clearly be deduced. Based on this information, it is evident that the bullet was fired from a nearby building which was near occasional street fighting between Palestinian groups. Such fighting has occurred throughout and beyond the period of Officer 1's residence in Gaza. Staff Member 1 provided Officer 1 with an update on the investigation concerning the bullet firing incident. His professional opinion was that the bullet had been fired from the first floor of a building being used by Palestinian militiamen and added that there was no information to suggest that Officer 1 has ever been targeted.
65. Staff Member 4 also resides at Officer 1's building. He advised that gunfire exchanges in the area are frequent. This was also corroborated by security guards at the apartment building, who reported to ID/OIOS Investigators that it has been struck by gunfire on several occasions.
66. Staff Member 1 said that as he was leaving Officer 1's apartment after investigating the bullet hole incident, Officer 1 also informed him of her receipt of a life threatening text message which she had received on her UNRWA mobile telephone some six weeks previously. She told Staff Member 1 that since June 2003 she had been receiving anonymous telephone calls and threatening text messages on her mobile telephone, the most threatening text message, received on 12 September 2004, stated "*Where is my husband, I Kill U*", which she showed to him. She also said that previous text messages contained offensive sexual remarks. The text messages Officer 1 showed ID/OIOS on her mobile phone did not contain any offensive sexual remarks.
67. Officer 1 told Staff Member 1 that she had reported the phone calls to the Field Security Radio Room in June 2003.¹ He then advised her to stop off at the Gaza office and he would give her a new phone number, but she refused to do so. He determined that the telephone number of the text message bore a Philippines international dialling code. Staff Member 1 dialled the number on numerous occasions, whereupon he learned that the telephone number was no longer in use. He emailed Officer 1 with the results of his investigation regarding his attempts to trace the origin of the mobile phone calls.
68. Official 1 was interviewed concerning the bullet hole in Officer 1's apartment and her receipt of threatening text messages. He denied any involvement. ID/OIOS reviewed Official 1's records from 2003 for his mobile telephone, the only one he had, and found that he had made only two mobile phone calls to Officer 1's mobile telephone between May 2003 and September 2004, the period of Officer 1's alleged receipt of the calls and text messages.
69. ID/OIOS investigators visited Officer 1's apartment building and surveyed the general area. It was noted that her apartment overlooks a number of military installations, which include the compound of the now deceased PLO Chairperson, Mr. Yasser Arafat. They attempted to trace the subscriber who had sent the text messages and also requested Interpol to do so, but with no success.

¹ Staff Member 1 said that upon his return to his office he reviewed historical security logs and reports and spoke to all his staff in the radio room concerning Officer 1's assertion that she had reported the phone calls to the Security Radio Room, but found no information that such a report had been received. He added that had he been apprised of her complaint, he would have immediately issued her a new mobile phone number.

70. ID/OIOS also interviewed Senior Official 2 and Official 6 with regard to Officer 1's allegation that Official 1 advised her and Official 3 that Senior Official 2 and Official 6 were collaborating with the Israeli authorities. Neither was previously aware of the allegation, and both found the suggestion ludicrous. Official 3 also refuted the allegation and stated that same had never been made in his presence. Official 1 denied making the allegation.

D. Alleged interference by Official 1 with the administration and processing of Officer 1's sick leave

71. Officer 1 alleged that Official 1 interfered with the administration and processing of her sick leave. She alleged specifically
- a) that Official 1 questioned the validity of her sick leave and her medical care and treatment.
 - b) that Official 1 caused her medical reports to be inefficiently processed.
 - c) that Official 1 negligently exposed her confidential medical information to other staff members during her sick leave (from September 2004).
 - d) that Official 1 prevented the sanctioning of her medical evacuation from Gaza.

Investigative Details

72. ID/OIOS interviewed all the witnesses named by Officer 1 who, she said, had been involved in the processing and administration of her sick leave.
73. While there was some delay in the processing and administration of Officer 1's sick forms and medical reports, this was due to a temporary oversight on the part of Official 3 and logistical problems in the transmission of the reports from Gaza to UNRWA's International Personnel Section in Amman, Jordan, compounded by the prevailing security situation in Gaza.
74. Official 1 said that he was abroad when Officer 1 went on sick leave and he learned of her sickness and hospitalization from Official 3 while he was attending a meeting in Israel. He then asked Staff Member 4, because he was an associate and friend of Officer 1, to take care of her while she was hospitalized in Israel. No evidence was found that Official 1 or Official 3 maliciously questioned the validity of Officer 1's illness. There was no evidence that Official 1 delayed the processing of her medical records.
75. Official 1 said that he forwarded a sick leave form to the Gaza Field Administration Office, which was the proper procedure for handling such forms, and it was sent to the appropriate person in the normal course of business. No evidence was found to support the allegation that Official 1 exposed Officer 1's medical information to others in a negligent manner.
76. ID/OIOS found no evidence to indicate that Official 1 prevented the sanctioning of Officer 1's medical evacuation. Officer 3 was interviewed and advised that he is ultimately responsible for the approval and sanctioning of medical evacuation procedures for UNRWA staff members, but noted that some staff members may be unfamiliar with the medical evacuation procedures. Officer 3 stated that medical evacuation is generally

authorised if there are inadequate or ineffective specialist medical facilities in the locality, but that Israel has comprehensive and excellent medical facilities. He added that he never received any request from Officer 1 asking to be medically evacuated to France. Instead she left Gaza whilst on sick leave and travelled to France without his approval. He advised that Officer 1 had technically abandoned her post and had not adhered to stipulated medical evacuation procedures. Nonetheless, she was not counselled or disciplined in this respect and continued to be paid during this period and beyond.

77. A number of serving and former UNRWA staff members have commented on the fact that Officer 1 appeared to be suffering from stress. Several witnesses reported that Officer 1 was of a temperamental disposition and highly strung by nature. It was also observed by ID/OIOS when interviewing various parties that she had a demanding workload in the stressful and at times frightening Gaza security environment.

VI. FINDINGS

78. In cases of this nature, it is customary to judge the credibility of the complainant, the subject and the witnesses. Officer 1's allegations to ID/OIOS are specific and far-ranging. Many of those interviewed stated that they felt she had emotional problems and was immature in the handling of her work and the security situation in Gaza. Although Officer 1 claimed that witnesses would be intimidated by Official 1 and not tell the truth, ID/OIOS concluded that the witnesses had not been intimidated and were credible. While many of Officer 1's allegations could be resolved based on the testimony of witnesses, charges of sexual harassment are difficult to rebut or substantiate because of the frequently private nature of this type of misconduct. While many of those interviewed said that Officer 1 would have told them of her sexual harassment or that they would have noticed it, ID/OIOS notes that sexual harassment often takes place behind closed doors and the victim is frequently reluctant to disclose her suffering to others. This is when the credibility issue is most important.

A. Alleged Sexual Harassment by Official 1

79. During this investigation, ID/OIOS interviewed all members of staff in Officer 1's office and Official 1's own office. Interviews were also held with serving and former UNRWA personnel. Officer 1 also provided a list of witnesses to ID/OIOS and claimed that they would verify her allegation of Official 1's sexual harassment and her workplace distress, and they were interviewed.
80. Witness 1 confirmed that Officer 1 had told her of the alleged incidents of harassment. While she did not observe them (she lived in New York), they had frequent phone conversations during the period of the alleged incidents and Witness 1 learned of them soon after their occurrences. As a very close friend for a number of years, she stated that she found Officer 1's accounts of the alleged harassment credible and commented on the dramatic change in demeanour and personality during her tenure at UNRWA.
81. Witness 2 also stated that Officer 1 had told him of the alleged incidents of harassment, and observed her demeanour and behaviour change during the time of the alleged incidents. He, too, found her accounts credible.

82. Witness 3 stated that Officer 1 told her of the alleged harassment in early 2004 before she had filed her complaint. Furthermore, Witness 3 witnessed the anonymous telephone calls and Officer 1's change in demeanour and behaviour. Based on her previous work experience, she found Officer 1's allegations credible.
83. As previously noted, the identities of those placing the phone calls could not be established by UNRWA or ID/OIOS. Just prior to filing her complaint against Official 1 with the Secretary-General, Officer 1 met with Official 4 and she related the incidents to him. It is noteworthy that specific details, such as the request that she taste Official 1's sperm, were reported by all these witness except for Witness 2.
84. None of the other interviewees, including those named by Officer 1, could corroborate her allegations, nor attest to the existence of an environment of sexual or other form of harassment. The evidence does not support a finding that Official 1 or anyone else had intimidated any witnesses or suppressed their provision of evidence to ID/OIOS.
85. When interviewed, Official 1 vehemently denied the allegations of sexual harassment. He stated that when he learned that Officer 1 was advising and portraying to other staff members that she was supported by him and had his counsel and was also suggesting that they were involved in a relationship, he distanced himself and minimised interaction with her. He instructed Official 3 to assume further supervision of her. He also instructed his secretarial staff to keep his door open at all times when she was in his office. Official 3 and the secretarial staff corroborated Official 1's actions and instructions.
86. Officer 1 provided ID/OIOS with the two recordings of a telephone conversation she had with Official 1.² She claimed that during the conversation, Official 1 admitted having made rude and sexually explicit remarks towards her, acknowledged having made sexual advances towards her, and admitted watching her with binoculars from his apartment home. However, the recordings are of poor quality, and a qualified audio forensic technician retained by ID/OIOS was unable to enhance the quality.
87. The recordings were in French. An ID/OIOS investigator fluent in French listened to them, but only Officer 1's side of the conversation was audible. The conversation appeared to be amicable and Officer 1 spoke of her medical and health problems. No references to the subjects she claimed were discussed were heard.
88. In one interview with ID/OIOS, Officer 1 stated that Official 1 was in a relationship with Staff Member 2, who felt compelled to remain in the relationship as a result of fear and his position of influence within the workplace. However, Staff Member 2 was interviewed by ID/OIOS and refuted Officer 1's allegations in their entirety. Based on her interview and those of others, ID/OIOS concluded that the relationship was consensual.
89. Officer 1's witnesses corroborated what she had told them of her allegations of sexual harassment. Only Witness 1 was told of the earlier incidents contemporaneously. However, based on the consistency and specificity of some of Officer 1's statements to

² At her last meeting with ID/OIOS investigators in December 2005, Officer 1 stated that she had given another recording to the investigators. The investigators told her that she had only given them two sound recordings, and noted that this was the first time there had even been mention of a further recording. As of the time this report was issued, Officer 1 has not provided ID/OIOS with any further recordings.

Witness 1, Witness 3 and Official 4, the evidence tends to support Officer 1's allegations of sexual harassment by Official 1.

B. Alleged General Harassment and Abuse of Authority by Official 1

90. Officer 1 alleged that Official 1 sought to deliberately isolate, ridicule, embarrass and harass her within the workplace and elsewhere.
91. Witness 1 and Witness 3 stated that Officer 1 told them of how she was harassed in the workplace. Witness 2 stated that he noticed that at a point in time Official 1 ceased to consult her as he had previously. However, none of the other numerous witnesses interviewed supported Officer 1's allegations that she had been harassed or abused within the workplace, nor that she had been ridiculed by Official 1 or anyone else, either within or outside the working environment.
92. Officer 1 also claimed that Official 1 allegedly accused her of improperly using an UNRWA staff vehicle. ID/OIOS established that Official 1 had legitimately requested a check to be made on Officer 1's use of the vehicle, and this was a common practice to ensure procedural compliance. Although Officer 1 had violated procedures in this incident, no action was taken with regard to her failing to report her use of the vehicle to the fleet management unit. Here, Officer 1 was not singled out or discriminated against, and Official 1's original request that the vehicle usage be checked was appropriate.
93. Officer 1 alleged that Official 1 attempted to coerce and harass her into overturning the decision she and Official 3 had made with regard to the recruitment and selection of an applicant. No corroborative evidence was found to indicate that Official 1 had done so. It was learned that Official 1 had the authority to override the committee's recommendations, which he did not.
94. There is evidence that Official 1 and Official 3 had their secretarial staff call Officer 1 to remind her of meetings, because she was frequently late. Official 3 noted this issue on her December 2003 performance evaluation report, which she accepted. Officer 1's assertion that Official 1's secretarial staff checked her attendance at a meeting with a representative of the Company was not verified by the secretarial staff or the representative.
95. ID/OIOS also established that Official 1 supported the applications for an upgrade made by Officer 1 and her assistant despite her assertions to the contrary. Officer 1 did not receive the upgrade because the post was not available, and the Assistant's application, although supported by Official 1, was rejected by UNRWA's Human Resources Committee on bona fide grounds.
96. The withholding of the salary of Officer 1's Consultant was caused by contractual and audit issues.
97. ID/OIOS found no evidence to suggest that Official 1 prevented her from taking appropriate training courses.
98. The evidence does not indicate that Official 1 interfered in Officer 1's employment applications with agencies outside UNRWA. Official 1 strongly supported Officer 1's

application for the ICTR position, for which she thanked him by email for his advice and support, but ICTR did not consider her to have the requisite experience.

99. Official 1 told ID/OIOS that he had not been aware of Officer 1's application for a position with UNAMI. UNAMI determined that she did not have the experience for the P4 and P5 positions, but offered her the P3 position, which she rejected because it required deployment to Iraq, a condition she was aware of when applying for the post.
100. The weight of the evidence does not support the allegations that Official 1 discriminated against or harassed her at the workplace or in connection with work. There was no evidence that Official 1 negatively interfered with her employment applications.

C. Alleged Monitoring of Computer Systems, Threat to Life and Instances of Alleged Collaboration

101. Officer 1 alleged that Official 1 had told a Palestinian UNRWA staff member that Officer 1 was collaborating with the Israeli authorities and therefore arranged to have her computer monitored. She further alleged that the Palestinian community may have learned of this false information, which placed her at risk. Official 1 had the authority to officially request the monitoring of information systems, in accordance with applicable guidelines, which require review by the UNRWA Legal Advisor and approval by the Commissioner General. ID/OIOS found no evidence that Official 1 has ever made a monitoring request concerning any UNRWA staff member. Moreover, there is no evidence that he caused or requested any staff member working in UNRWA's Information System Office to do so on a covert basis.
102. Officer 1 based her allegation on a conversation she had with Staff Member 6, but when interviewed by ID/OIOS, he contradicted Officer 1's account in its entirety. He further denied that he told Staff Member 5 and Officer 1 that their computers were being monitored. When interviewed, Staff Member 5 also did not corroborate Officer 1's account. Staff Member 5 further told ID/OIOS that Staff Member 6 had never suggested that Officer 1's computer was being monitored, nor did he state that he had been told that Officer 1 was passing confidential information to the Israeli authorities. The evidence adduced does not support this allegation.
103. Officer 1 asserted that because Staff Member 6 and Staff Member 5 are both from the same country, they may have deliberately or inadvertently alerted others from the same country of her alleged collaboration with the Israeli authorities, and hence she received anonymous phone calls and text messages and her apartment was fired upon, which she believes endangered her life.
104. However, the evidence does not corroborate a link between the alleged monitoring of her computer and the anonymous phone calls, text messages or the bullet hole in her apartment. In the first instance, Staff Member 6 specifically denies that he advised her that she was allegedly passing confidential information to the Israeli authorities. In relation to the bullet hole, there was a high incidence of firearm situation reports in that area, as confirmed by Staff Member 1 and by the apartment building security guards. It appears very likely that Officer 1's apartment was struck by accident. Additionally, Officer 1 had not resided in the apartment for several weeks, further suggesting that the bullet fired into her apartment was accidental. Furthermore, whilst Officer 1 had received

a threatening text message, there is no evidence to suggest that any militia groups or other persons have sought to target her.

105. Officer 1's allegations are not substantiated, in light of the overwhelming evidence to the contrary. The multiple calls and text messages which were witnessed in at least one instance, could not be traced to Official 1 or anyone in UNRWA. None of the text messages she received were life threatening other the one previously mentioned. There is no evidence to suggest that Official 1 wished to or did cause Officer 1's security or safety to be compromised or harmed.

D. Alleged interference by Official 1 with the administration and processing of Officer 1's sick leave

106. Officer 1 alleged that her medical records had been exposed to staff and that Official 1 had caused intentional delays in the administration and processing of her sick leave. Official 1 said that he did forward a sick form to the Gaza Field Administration Office. That was the proper procedure for handling such forms and they were sent to the appropriate person in the normal course of business. However, there is evidence of some delay in the processing of her medical records due to a temporary oversight on the part of Official 3 and logistical problems in the transmission of medical/sick reports from Gaza to UNRWA's International Personnel Section in Amman, Jordan. These slippages were accentuated by the prevailing security situation in Gaza.
107. Officer 1 was treated in Israel and then, on her own initiative, travelled to another country for further medical treatment. While Officer 3 was responsible for approving the medical evacuation of UNRWA staff, Officer 1 did not make such a request to him. Officer 3 stated that medical evacuation is generally authorised if there are inadequate or ineffective specialist medical facilities in the locality, but that Israel has comprehensive and excellent medical facilities.
108. The evidence adduced does not support the allegation that Official 1 interfered in the processing and administration of Officer 1's sick leave. In fact, she received all the benefits available to staff members on sick leave.

VII. CONCLUSIONS

109. The evidence adduced by ID/OIOS tends to support a finding that Officer 1 was sexually harassed by Official 1, based on the corroboration of Witness 1, Witness 3, Witness 2, and Official 4. The corroboration was that Officer 1 had told them of various incidents with specificity. However, the evidence adduced by ID/OIOS does not support a finding that Official 1 engaged in workplace harassment.
110. Officer 1 told ID/OIOS that Official 1 would cause witnesses to withhold and suppress their evidence, ultimately to her disadvantage. Throughout this investigation, ID/OIOS has found no evidence to suggest that Official 1 or anyone else intimidated witnesses or unduly interfered in the investigation process. It is troubling, however, that although Official 4 learned of Officer 1's complaints on 25 September 2004, he ignored them until he prepared his memorandum of 3 December 2004.

111. A number of witnesses and close associates commented that Officer 1 was immature, possessed a heavy workload in a demanding job, wished to be married, leave Gaza and be extracted from the tense and threatening security environment within the area. They suggested that these factors, as described in this report, may have contributed to her level of stress. It does appear that environmental stress has played a significant role in this case and that Officer 1 did suffer emotional stresses which likely contributed to her feelings and allegations. Perhaps if this stress effect had been identified earlier, many of the subsequent problems could have been avoided.
112. From the outset, Officer 1 advised that she would refuse to accept any investigation outcome which did not substantiate all of her allegations. She also stated that if the findings of the investigation were not in her favour, she would conclude that her due process rights had been violated and that ID/OIOS had not acted in her best interests.

VIII. RECOMMENDATIONS

113. In view of the fact that Official 1 has retired from UNRWA, ID/OIOS makes no recommendation as to him, but if he was still with the Organization we would recommend counseling. In view of the preceding findings, ID/OIOS makes the following recommendations:

Recommendation 1: As noted, the lack of action by Official 4 and his advice to UNRWA exacerbated this situation. It is recommended that UNRWA remind its staff members of UN policies in respect of Sexual Harassment, Harassment and Discrimination, and appoint respective workplace focal points. (ID Rec. No. IV05/098/01)

Recommendation 2: It is recommended that all appointed focal points receive appropriate training. (ID Rec. No. IV05/098/02)

Recommendation 3: It is recommended that UNRWA develop a program of Occupational Stress Management. (ID Rec. No. IV05/098/03)

Recommendation 4: In light of the problems communicating with Officer 1 during her sick leave, it is recommended that UNRWA ensure that a nominated person acts as a focal point during the anticipated lengthy sickness absence of any staff member. (ID Rec. No. IV05/098/04).
