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INTEROFFICE MEMORANDUM MEMORANDUM INTERIEUR

INTERNAL AUDIT DIVISION I
OFFICE OF INTERNAL OVERSIGHT SERVICES

TO: Mr. Legwaila Joseph Legwaila,
A: Special Representative of the Secretary-General
UNMEE

DATE: 28 July 2005

REFERENCE: AUD-7-5:21 (⁰⁰⁰²⁸ /05)

FROM: Patricia Azarias, Director
DE: Internal Audit Division I, OIOS

P. Azarias

SUBJECT:
OBJET: **OIOS Audit No. AP2005/624/11: Review of the state of discipline in UNMEE**

1. I am pleased to present herewith our final report on the review of the above subject, which was conducted during March - May 2005. The review was conducted in accordance with the standards for the professional practice of internal auditing in United Nations organizations
2. Based on your response, we have closed recommendations 13, 14, 15, 16, 17, 19, 20 and 21 in the OIOS recommendations database. In order to close recommendations 1, 2, 3, 4, 5, 7, 8, 9, 10, 11 and 12, we request that you provide us with the additional information as discussed in the text of the report and a time schedule for their implementation. OIOS is reiterating recommendations 6 and 18, and requests that you reconsider your initial response concerning these recommendations. Please note that OIOS will report on the progress made to implement its recommendations, particularly those designated as critical, i.e., recommendations 5, 6, 9, 11, 12, 13, 15 and 17, in its annual report to the General Assembly and semi-annual report to the Secretary-General.
3. IAD is assessing the overall quality of its audit process and kindly requests that you consult with your managers who dealt directly with the auditors and complete the attached client satisfaction survey form.
4. I take this opportunity to thank the management and staff of UNMEE for the assistance and cooperation provided to the auditors in connection with this assignment.

Copy to: Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations
Ms. Hazel Scott, Director, ASD/DPKO

Mr. Vitali Petrounev, Chief Administrative Officer, UNMEE
UN Board of Auditors
Programme Officer, OIOS
Prances Sooja, Chief Resident Auditor, UNMEE

Office of Internal Oversight Services

Internal Audit Division I



Review of the state of discipline in UNMEE

Audit no: AP2005/624/11
Report date: 22 July 2005
Audit team: Prances Sooja, Atreyee Das and Catherine Gatungo-Lewis

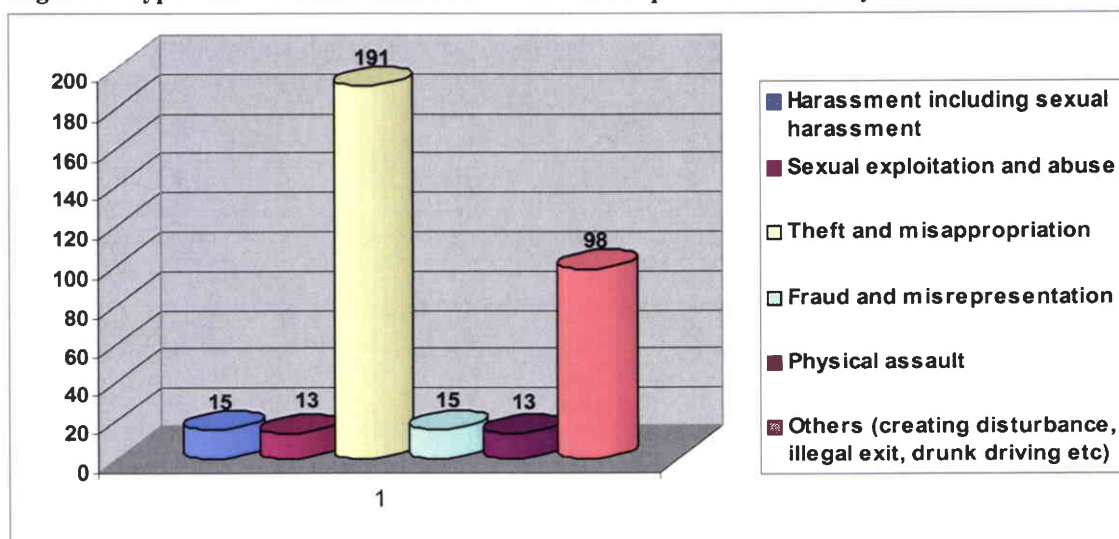
EXECUTIVE SUMMARY

Review of the state of discipline in UNMEE (Assignment No. AP2005/624/11)

OIOS conducted a review of the state of discipline in UNMEE in March to April 2005. The main objectives of the review were to assess the overall state of discipline in the Mission and to determine what additional measures the management needs to take to further improve it.

In OIOS' opinion, there is a need for major improvements if UNMEE is to maintain an environment of good order and adherence to the code of conduct. OIOS found cases of abuse of authority by Senior Management, different disciplinary action for the same type of misconduct, inconsistent decisions by the Boards of Inquiry, delayed action on complaints of misconduct, drunk driving by senior officers and lack of transparency in dealing with disciplinary issues. Figure 1 shows the nature of discipline cases in UNMEE for the period 2002 to May 2005.

Figure 1: Types of misconduct cases in UNMEE for the period 2002 to May 2005



Although a survey conducted by OIOS revealed that 90 per cent of the respondents perceived the overall state of discipline in UNMEE to be generally satisfactory, there was a general impression that Mission Management was not even-handed in its approach to handling disciplinary issues. The common perception is that Senior Management was allowed to get away with misconduct cases, while lower ranking personnel were punished for the same offences.

Twenty-two per cent of Mission personnel surveyed felt that misconduct was occurring and going undetected and unpunished; 38 per cent said that they did not know that they had a duty to report concerns or suspicions regarding sexual exploitation and abuse (SEA) by a colleague; 20 per cent felt that the Mission was not implementing measures to prevent SEA; and 50 per cent of the United Nations Volunteers, 41 of civilian staff members and 22 per cent of military personnel did not know how to file a complaint.

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I. INTRODUCTION

1. OIOS conducted a review of the state of discipline in the United Nations Mission in Ethiopia and Eritrea (UNMEE) in March to May 2005. The review was conducted in accordance with the standards for the professional practice of auditing in United Nations organizations.
2. The Department of Peacekeeping Operations (DPKO) requested this review and its overall objective was to determine the state of discipline in peacekeeping operations worldwide. A series of meetings were held between OIOS, DPKO and the Office of Human Resources (OHRM), which resulted in establishing the terms of reference for review and the development of an agreed audit programme.
3. UNMEE, established by Security Council Resolution 1312 dated 31 June 2000 was mandated, besides others, to establish and put into operation the mechanism for verifying the cessation of hostilities between Ethiopia and Eritrea. Its current mandate has been extended to 15 September 2005 by Security Council Resolution 1586 dated 14 March 2005 with a strength of 3,344 military personnel for peacekeeping operations and 611 civilian staff to provide administrative and support services.
4. The comments made by the Management of UNMEE on the draft audit report have been included in the report as appropriate and are shown in italics.

II. AUDIT OBJECTIVES

5. The major objectives of the review were to:
 - (i) Assess the state of discipline in the mission;
 - (ii) Identify gaps in the existing policies and procedures on discipline; and
 - (iii) Identify tools that the mission requires to maintain an environment of good order and adherence to code of conduct.

III. AUDIT SCOPE AND METHODOLOGY

6. The review included an analysis of data and statistics on cases of misconduct for the years 2002, 2003, 2004 and up to May 2005. The audit covered the review of all relevant policies and guidelines on discipline and selected case files on misconduct.
7. Interviews were conducted with management and relevant Mission personnel – civilian staff members, military troops, military observers and military police who are involved in the Mission's disciplinary mechanism and enforcement. The review also included a survey on the state of discipline in the Mission covering all categories of personnel.

IV. OVERALL ASSESSMENT

8. In OIOS' opinion, there is a need for major improvements if UNMEE is to maintain an environment of good order and adherence to the code of conduct. OIOS found cases of abuse of authority by Senior Management, disparate disciplinary action for the same type of misconduct, inconsistent decisions by the Boards of Inquiry, delayed action on complaints of misconduct, drunk driving by senior officers and lack of transparency in dealing with disciplinary issues.

9. Although a survey conducted by OIOS revealed that 90 per cent of the respondents perceived the overall state of discipline in UNMEE to be generally satisfactory, there was a general impression that Mission Management was not even-handed in its approach to handling disciplinary issues. The common perception is that Senior Management was allowed to get away with misconduct cases, while lower ranking personnel were punished for the same offences.

V. AUDIT FINDINGS AND RECOMMENDATIONS

A. The state of discipline in the Mission

Reported cases of misconduct

10. The Mission does not produce any annual report on the number of cases of misconduct occurring in the Mission. Further, there is no centralized database of the number of misconduct cases in the Mission, and there is no information sharing between the civilian and the military components. The number of misconduct cases in UNMEE for the period 2002 to May 2005 was 327, of which those handled by the Security Investigation Unit was 205, while those investigated by the Military Police (Carabinieri) was 122. Besides these, there were also complaints, which are sent directly to the SRSG, CAO or to the Section Chiefs.

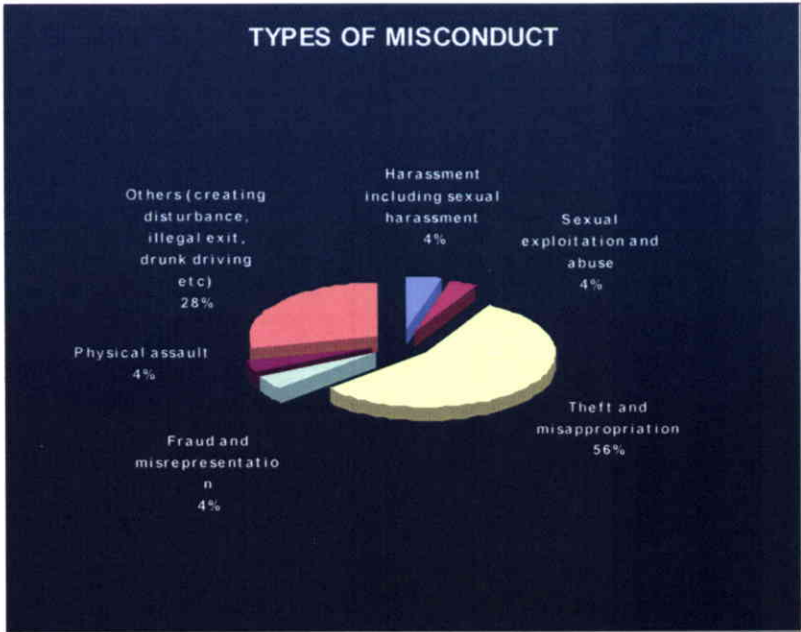
11. As a result of having multiple points where complaint cases are recorded and handled, there are no definite consolidated figures of the number of disciplinary cases in the Mission. Hence, the statistics furnished by the respective components of the Mission to OIOS show far fewer number of misconduct cases pertaining to their personnel (Table 1) than the figures furnished by the Security Section and the Military Police.

Table 1: Statistics on complaints involving each category of staff furnished by respective components of the Mission

Category of staff	Complaints received	Under investigation	Closed without referral to HQ	Dismissed	Referred to HQ	OHRM sanctions imposed/ personnel repatriated
Military observers	14	3	9	1	1	1
Military police	0	0	0	0	0	0
Military troops	25	0	20	4	0	2
Staff members	15	3	10	0	2	2
UNVs	8	0	4	0	2	4
TOTAL	62	6	43	5	5	9

12. In the absence of accurate information, OIOS was not in a position to determine the exact number of misconduct cases. However, from the information gathered from various sources, OIOS estimates that there were 344 cases comprising of 15 cases of harassment including sexual harassment, 12 cases of Sexual Exploitation and Abuse, 191 cases of theft and misappropriation, 15 cases of fraud and misrepresentation, 13 cases of physical assault and 98 other types of misconduct cases such as drunk driving, failing to report an incident, disorderly conduct, illegal exit, unlawful activity, unauthorized use of UN vehicles and unauthorized passengers in UN vehicles. Figure 2 illustrates the various types of misconduct cases in the Mission from 2002 to May 2005.

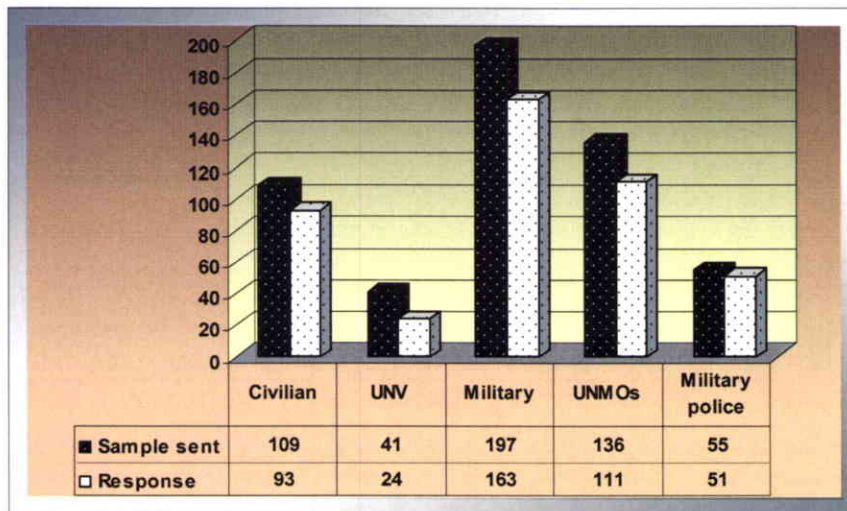
Figure 2: Types of misconduct for the period 2002 – May 2005



Perception of the state of discipline in the Mission

13. OIOS conducted a survey of Mission personnel to obtain their perception of and experience with the state of discipline in the Mission. The detailed results of the survey are shown in Annex 1 and Annex 2. The population sample and responses received are shown in Figure 3.

Figure 3: Population sample sent and responses received



Positive results of the survey of Mission personnel

14. Overall, the results of the survey conducted by OIOS indicated a high level of satisfaction with the state of discipline in UNMEE. Sixty-five percent of the respondents to the survey rated the state of discipline as above average. A further 26 % rated it as average. This reflects favourably on the management of the Mission. The high degree of confidence in the state of discipline in the Mission was also borne out during interviews with UNMEE and other UN programme officials. Concerning the perception of staff on how misconduct cases were handled by UNMEE, 56 % of staff rated the performance above average and 30 % as average.

Survey results indicating a need for improvement

15. Despite the overall positive feedback from the questionnaire, there were a few areas where the Mission could improve its performance. Some of the key areas where improvement is needed are as follows:

(i) Overall position

a) The greatest level of dissatisfaction was with UNVs where 33 % of them rated the state of discipline as below average. Furthermore, 33 % of UNVs rated the perception of how misconduct cases were handled as below average. UNMEE should determine why this perception exists with UNVs. The UNVs relative poor perception of discipline issues in the Mission was evident throughout the questions asked in the survey.

- b) The area which generated the lowest overall rating was on how the mission handled sexual exploitation and abuse cases and harassment and sexual harassment cases. 13% of Mission personnel rated each of these categories as below average.
- c) Another key finding was that 27 % of UNMEE personnel did not know how to file a complaint. A further 9 % did not know the answer to this question. Clearly, there is a need to provide additional information to staff on how to file complaints.
- d) While 65% of UNMEE personnel would report a suspicion of misconduct, 32 % either would not report (18 %) or did not know if they would report (14 %).
- e) Overall, 22 % of Mission personnel also felt that misconduct was occurring and going undetected and unpunished while 25% did not know and 5 % did not respond to this question. Together, this accounts for more than 50 % of the survey respondents. A more proactive approach needs to be taken by UNMEE to detect misconduct.
- f) While 66 % of Mission personnel felt that the disciplinary mechanism was fair, 14 percent did not feel so while 17 % did not know and 3 % omitted to answer this question.
- g) It is also of concern that 38% of Mission personnel do not know that they have a duty to report concerns or suspicions regarding sexual exploitation and abuse (SEA) by a fellow worker.
- h) Seventy-six per cent of personnel thought that UNMEE was implementing measures to prevent SEA. However, 20% of civilian staff, 17 % of UNVs and 9% of military did not think so while 21 per cent of UNVs, 12 % of civilians and 9% per cent of military personnel did not know.

(ii) Female vs. male views

- a) Thirty-five per cent of male respondents felt that misconduct was occurring and going undetected and unpunished while 28% did not know. As against this, 19% of female respondents felt that misconduct was occurring while 25% did not know.
- b) Twenty per cent of all male and female respondents felt that the Mission was not implementing measures to prevent SEA.
- c) A significant number (36%) of female respondents did not consider the disciplinary mechanism to be fair while 19% did not know.
- d) Forty-three per cent of male respondents and 42% of female respondents did not know how to file a complaint.
- e) Thirty-one per cent of male respondents and 42% of female respondents stated that they had not received briefing on UN standards of conduct.

f) Thirty-one per cent of female respondents and 22% male respondents stated that they feared reporting cases of misconduct.

g) Twenty-eight per cent of female respondents rated the Mission's attitude on dealing with harassment and sexual harassment as below average while 22% female and 21% of male respondents rated its handling of SEA cases as below average.

(iii) International vs. local staff perception

a) As against only 7% of local staff, 42% of international staff members thought that misconduct was occurring and going undetected and unpunished while another 31% did not know.

b) Twenty-one per cent of local staff and 20% of international staff thought that the Mission was not implementing measures to prevent SEA.

c) Twenty-eight per cent of local staff and 25% of international; staff did not consider the disciplinary mechanism to be fair, while 28% and 31% respectively did not know. 6% of international staff also omitted to answer this question.

d) It is alarming to note that 48% of local staff did not know how to file a complaint and 62% stated that they had not received briefing on UN Standards of conduct.

e) Twenty-eight per cent of local staff stated that they feared reporting cases of misconduct as against 19% international staff.

f) Twenty-three per cent of international staff rated the Mission's handling of misconduct cases as below average as against 10% local staff. 22% and 19% of International staff also rated the Mission's handling of harassment and sexual harassment and SEA cases respectively as below average. This was the lowest rating given among all categories of misconduct.

In this context, it is important to note the following comments given by the local staff: "Cases reported by national staff against international staff should be viewed equally"; "Local/international concept in the Mission should be abolished and people should be treated as equals"; "a big gap exists between local and international staff". This indicates that there is a feeling amongst local staff that they are being discriminated against. The Mission Management needs to address this issue.

(iv) Civilian vs. UNV vs. Military perception

a) Thirty-one per cent of civilian personnel felt that misconduct was occurring and going undetected and unpunished. It is also noteworthy that this perception was shared by 19% of the military personnel surveyed.

- b) Thirty-three per cent of UNVs did not consider the disciplinary mechanism to be fair while another 29% did not know.
- c) It is alarming to note that 50% of UNVs, 41% of civilian staff and 22% of military personnel did not know how to file a complaint.
- d) Forty-one per cent of international staff stated that they had not received briefing on UN standards of conduct.
- e) It is significant to note that 38% of UNVs feared reporting cases of misconduct.
- f) It is also significant that 33% of UNVs rated the overall state of discipline as below average and 33% rated the Mission's handling of misconduct cases as below average. 50% rated the Mission's handling of harassment and sexual harassment cases as below average, 33% rated the handling of SEA cases as below average, and 33% rated the handling of theft and misappropriation as below average. Overall, the lowest rating for the Mission's handling of various types of misconduct cases was given by the UNVs.

Recommendations 1 to 3

UNMEE management should:

- i. Determine why there is a low perception (21 % of UNVs and 17% of civilians) of how the Mission is handling sexual exploitation and abuse cases by holding regular staff meetings with UNVs and civilian staff (AP2005/682/05/01);
- ii. Determine why a large number of personnel believe that misconduct was occurring and going undetected and unpunished, by holding regular staff meetings with all civilian staff (international, national and UNVs) and encourage the reporting of misconduct (AP2005/682/05/02); and
- iii. Establish transparency and uniformity in dealing with misconduct cases to mitigate the general perception that misconduct cases are not treated fairly and evenly. Adequate information should be provided to all UNMEE personnel in the form of monthly or yearly reports on the number of misconduct cases reported and actions taken (AP2005/682/05/03).

16. *UNMEE accepted recommendations 1 to 3 and stated that they would be implemented by October 2005. UNMEE also stated that it intends to organize regular staff meetings in the future to discuss discipline issues and other related topics indicating transparency in its dealings with cases of misconduct as well as seek advice from UNHQ in training focal points on how to address discipline issues. It would also seek the assistance of UNHQ in sending a HQ officer to travel to the field to brief Senior Management on the proper way to deal with such cases, as well as to provide*

the Mission with further advice on the preparation of reports on misconduct. OIOS will leave these recommendations open in its database until it can be confirmed that they have been implemented.

External perception on the state of discipline

17. During interviews with OIOS, the United Nations Resident Coordinators for the UN Country Team both for Eritrea as well as for Ethiopia expressed their satisfaction with the state of discipline in the Mission. However, the UN Resident Coordinator for Eritrea commented that UNMEE vehicles were often seen speeding within city limits in Asmara.

18. The Commissioner for Coordination with the United Nations Peacekeeping Mission in Ethiopia was of the opinion that the state of discipline of the Mission personnel in Ethiopia was satisfactory. Even though a formal mechanism has not been established for the local population to channel complaints on misconduct by UNMEE personnel, it has been an accepted practice for the local population to bring misconduct cases to the attention of their local administrator or to the local police through which the Commissioner's office would be informed. However, OIOS could not get an appointment with the Commissioner for Coordination with the United Nations Peacekeeping in Eritrea to obtain his perception of the state of discipline of Mission personnel in Eritrea.

B. Implementation of policies and procedures on discipline

Revision of UNMEE Code of Conduct

19. A Code of Conduct for personnel in the United Nations Mission in Ethiopia and Eritrea was issued on 4 April 2001. The guidelines set out in the Code were meant for the particular conditions and sensitivities found in the Mission area and primarily deal with understanding local cultural norms. However, the guidelines do not expressly forbid fraternizing with the local population nor do they address the specific issues of prostitution or sexual activity with persons below the age of 18. They merely state in broad terms "Do not act in any way that could be even remotely construed as exploiting, abusing or manipulating any person for personal advantage, particularly women or minors." Consequent to the Secretary General's bulletin of 9 October 2003 (ST/SGB/2003/13) outlining special measures for protection from sexual exploitation and sexual abuse, the Mission Administration issued a "Standards of Behavior for UNMEE personnel" on 7 May 2004 which laid down guidelines that all UNMEE personnel should follow. However, this was more in the nature of security guidelines and nowhere did it address the issue of sexual abuse or exploitation. It was only as late as March 2005 that posters and literature issued by DPKO forbidding sex with prostitutes or sex with anyone under the age of 18 were circulated in the Mission. The UNMEE Code of Conduct does not explicitly state that UNMEE personnel are forbidden from having sex with prostitutes and minors.

Recommendation 4

UNMEE Management should revise the Code of Conduct issued in April 2001 to explicitly state that UNMEE personnel are forbidden from sexual activity with prostitutes and minors,

including fraternizing with the local population (AP2005/624/11/04).

20. UNMEE accepted recommendation 4 and stated that it would be implemented by October 2005. UNMEE also indicated that a Committee would be set up to review once again UNMEE's Code of Conduct taking into consideration the above recommendation. OIOS will leave this recommendation open in its database until it can be confirmed that it has been implemented.

Policies and procedures on discipline

21. As a follow-up to the issuance of UNMEE Code of Conduct by the Special Representative of Secretary-General (SRSG) dated 4 April 2001, the Administration and the Force Commander's office issued various circulars to address indiscipline in the Mission. These circulars are summarized in chronological order in Table 2 and 3.

Table 2: Circulars on misconduct issued by the Administration

Date	Subject
30/01/2002	Conduct and behavior: emphasis on integrity, professionalism and respect for diversity
01/10/2002	Code of conduct: Do not violate the rules that govern the exchange of local currency with reminders on compliance of UNMEE code of conduct issued by SRSG dated 04/04/2001 and the Conduct and Behavior issued on 30/01/2002
20/11/2003	Sexual Exploitation and Abuse: Circulated the SG's Bulletin on SEA dated 09/10/2003 and appointed the Focal Point for Women to receive reports on SEA
07/05/2004	Standards of Behavior for UNMEE Personnel: List of guidelines for appropriate behavior
19/04/2005	Appointment of UNMEE Focal Point for Sexual Harassment and Gender Issues
22/04/2005	Reporting of Suspected Misconduct: Circulated the Information Circular on reporting of suspected misconduct issued by the USG for Management dated 24/03/2005

Table 3: Circulars on misconduct issued by the Force Commander's Office

Date	Subject
05/09/2001	As a result of fights between the contingent members and some local civilians, the Shamrock Café in Asmara was declared as out of bound area for UNMEE Military Personnel
17/01/2003	Forbidding sexual fraternization with locals: Issued as a result of a number of incidents of exploitative sexual fraternization by members of the Force brought to the notice of the Force Commander (FC)
18/02/2003	Forbidding sexual fraternization at Staff Officers Camp: It was brought to the notice of the FC that some of the staff officers are indulging in acts of sexual fraternization in Staff Officers Camp with the local female population.
08/09/2003	Forbidding sexual fraternization: A number of incidents of sexual fraternization leading to issues of paternity were brought to the FC's attention.
26/04/2004	Standards of Behavior and Deportment: Increase in traffic violations leading to tension between the locals and UNMEE personnel
08/10/2004	Abuse in alcohol consumption: It was brought to the notice of FC about increase in alcohol abuse leading to serious road accidents and aggressive behavior leading to fights with locals.
10/01/2005	Forbidding sexual exploitation of local women and children
08/03/2005	Safe driving in the Mission area due to increase in number of road accidents
02/04/2005	Forbidding involvement of military personnel with prostitutes, sexual exploitation of locals and the increase in number of vehicle accidents

22. In addition to the above, on 28 March 2005, the SRSG issued guidelines for reporting and receiving complaints from the local population and these were broadcast on the UNMEE computer network, which is not accessible by the local population. According to the circular, complaints from the local population in Ethiopia were to be channelled to the Mission through the Ministry of Foreign Affairs, while in Eritrea these were to be channelled to the Mission through the Commission for Coordination with the United Nations Peacekeeping Mission. The circular also stated that complaints may also be registered with the Security Officers at UNMEE Headquarters in Asmara, Addis Ababa or in the Sectors. However, OIOS is of the view that this information should be disseminated to the local population so that they could lodge complaints directly with the nearest UNMEE offices at their respective countries.

Recommendation 5

UNMEE Management should notify the local population on the mechanism to report complaints about UNMEE personnel through the local mass media and existing outreach centers operated by Public Information Office in the sectors (AP2005/624/11/05).

23. *UNMEE accepted recommendation 5 partially and stated that it would be implemented by August 2005. UNMEE also stated that a leaflet would be prepared for dissemination to the public through the Outreach Centers in Ethiopia and pointed out that there are no such centers in Eritrea. The Mission did not see the need to inform the public through local mass media since complaints were being received through the Commission for Coordination with the Peacekeeping Mission in Eritrea and the Ministry of Foreign Affairs in Ethiopia. OIOS will leave this recommendation open in its database until it can be confirmed that it has been implemented.*

Policy on off-limit areas for Mission personnel

24. It is the practice in missions to specify areas that are off-limits to Mission personnel. OIOS however, only found one instance where a club was declared as an out-of-bounds area in September 2001. There is also a need to update the list of off-limit areas as OIOS found that a significant number of complaints involved brawls and drunken behavior by UNMEE personnel in popular hotels, bars and nightclubs. It was also found that the off-limits area applied only to military personnel and not to civilian personnel.

Recommendation 6

UNMEE management should update the list of off-limit areas for both military and the civilian personnel in the Mission area and also introduce patrolling by Military Police to ensure that there is no violation of the instructions issued (AP2005/624/11/06).

25. *UNMEE did not accept recommendation 6 stating that it would be impossible to ban personnel from frequenting all local hotels, bars and nightclubs from visitation by all members of the Mission. Further, the Military Police have ceased their operations in the city of Asmara and*

civilian security has no financial or human resources to conduct such patrolling. However, it may be noted that the Mission itself had specified an off-limit area for military personnel in September 2001 and during the exit conference between OIOS and DPKO in May 2005, DPKO recognized that it should provide guidance to missions on implementing measures to enforce UN standards of conduct such as setting criteria for declaring off limits areas and updating of the off limits list. In view of this, OIOS proposes that Management reconsider this recommendation.

Roles and responsibilities of UNMEE officials on discipline

26. In order to establish accountability, Management should periodically review each section and unit chief's performance in preventing misconduct and enforcing the UNMEE Code of Conduct. For example, section chiefs could periodically brief their staff on matters pertaining to discipline in their sections. In addition, they could encourage reporting of misconduct such as harassment and exploitation of any nature, abuse of power and authority, misuse of UN assets and facilities and others. Likewise, the contingent commanders could be made responsible for maintaining and monitoring discipline in their respective contingents by having periodic briefings on disciplinary matters. Positive performance should be suitably reflected in the performance appraisal reports. This would encourage sections chiefs/contingent commanders to actively promote discipline in their respective charges.

Recommendation 7

UNMEE management should establish a programme to periodically review performance of heads of contingents and section chiefs in preventing misconduct and reward positive performance (AP2005/624/11/7).

27. *UNMEE accepted recommendation 7 partially and stated that it would be implemented by October 2005. UNMEE also commented that while Management can advocate that supervisors and chiefs assist in preventing misconduct by their subordinates, the supervisor cannot be blamed if the subordinate ultimately still chooses to violate the UN standards of conduct. Positive performance is already being rewarded through the e-PAS system.* OIOS will leave this recommendation open in its database until it can be confirmed that it has been implemented.

C. Staff awareness and misconduct prevention programmes

Awareness of UNMEE Code of Conduct

28. During induction training, all military and civilian personnel assigned to UNMEE are required to be briefed on the UNMEE Code of Conduct. In addition to that, during the town hall meetings held from time to time, the SRSG emphasizes on the Code of Conduct required of all UNMEE personnel. The Administration also broadcasts circulars and Secretary General's Bulletins pertaining to the UN Code of Conduct and related issues.

29. The OIOS survey of UNMEE personnel indicated that additional training on UN and Mission policies was required. It was also found that many Mission personnel indicated their interest to know more details about the definition of misconduct, the procedure to file

complaints, their rights and obligations, misconduct cases handled by the Mission and the disciplinary action taken. In addition, there is a need for UNMEE to conduct regular refresher courses on misconduct issues and rules of conduct for civilian staff.

Recommendation 8

UNMEE Management should provide additional training/refresher courses to all categories of UNMEE personnel on rules and regulations governing code of conduct and ethical behaviour (AP2005/624/11/8).

30. *UNMEE accepted recommendation 8 and stated that it would be implemented by October 2005. UNMEE also stated that once the Code of Conduct is rewritten, mandatory courses would be organized for all categories of Mission personnel within the Mission. OIOS will leave this recommendation open in its database until it can be confirmed that it has been implemented.*

Training modules on misconduct and on Sexual Exploitation and Abuse

31. In OIOS' opinion, insufficient support has been provided by DPKO and OHRM to develop web-based or CD-based training courses on misconduct and SEA similar to what was developed for Security. Such training should be compulsory for all staff undertaking mission duty. In May 2005, UNMEE Training Unit took a proactive measure to conduct a Sexual Exploitation and Abuse "Training for Trainers" course for military personnel. Translations of the course were also prepared to be presented to the respective contingents. Similar training for civilian staff and UNMOs are being considered by the Mission in June/July 2005. OIOS commends the Mission for the proactive initiative taken.

Risk assessment to formulate prevention programmes

32. No specific risk assessment has been conducted by UNMEE to determine what areas are subject to misconduct risks and the likelihood and significance of these risks. Only isolated steps, such as removal of military observer team sites located next to Internally Displaced Persons Camp have been initiated. Conducting a risk assessment would allow the Mission to determine the high-risk areas that they need to focus on and to develop appropriate procedures to prevent or mitigate the risks. DPKO has established personnel conduct officers in some big peacekeeping missions to help ensure prevention and identification of misconduct as well as compliance with and enforcement of UN standards of conduct. OIOS believes that there is considerable merit in doing this even in smaller missions. In such smaller missions, where it would not be cost effective to have a personnel conduct officer to handle this task, it would be feasible to have a focal person appointed. Part of his/her function would include the conduct of a risk assessment to determine high-risk areas where misconduct could happen. This person should also receive specialized training in order to carry out the function in an effective manner.

Recommendations 9 and 10

UNMEE Management should:

- i. Coordinate with DPKO in conducting a risk assessment to identify high-risk misconduct issues facing the Mission and to develop a strategy for preventing or mitigating the identified risks (AP2005/624/11/9); and
- ii. Appoint a focal person to help formulate and implement prevention programmes as well as monitor compliance with and enforcement of UNMEE Code of Conduct, pending the appointment of a full-time personnel conduct officer by DPKO (AP2005/624/11/10).

33. *UNMEE accepted recommendation 9 and stated that it would be implemented by October 2005. UNMEE also stated that it would be in contact with DPKO regarding the conduct of a risk assessment exercise. OIOS will leave this recommendation open in its database until it can be confirmed that it has been implemented.*

34. *UNMEE accepted recommendation 10 and stated that it would be implemented by August 2005. UNMEE also indicated that it would appoint a focal person to help formulate and implement misconduct prevention programmes after suitable review had been undertaken of the qualifications required. OIOS will leave this recommendation open in its database until it can be confirmed that it has been implemented.*

D. Mechanism for handling complaints in the Mission

Focal point for handling complaints

35. Having a Mission focal point for receiving complaints would simplify the process for all categories of staff members and would enable the Mission to have a complete record of complaints on misconduct. The OIOS survey indicated that many Mission personnel were not aware of how to file complaints of misconduct. With the exception of sexual harassment and gender issues, there is no focal point for complaints in general. This could deter staff members from filing complaints. Currently the complaints might be addressed to any Mission official (SRSG/DSRSG/CAO/ CCPO, Security Section, Finance Section or any other section). The procedure for reporting and receiving complaints from local population was established only as late as 28 March 2005 by the issuance of a circular by SRSG. Through an Information Circular dated 19 April 2005, the Mission appointed focal points and alternate focal points for Sexual harassment and Gender Issues. According to the Mission, the focal point for Sexual Harassment will also be the focal point for SEA cases. The Mission should amend the circular accordingly.

Lack of accurate statistics relating to cases of indiscipline in UNMEE

36. Currently, the Mission does not produce any annual report on the number of cases of indiscipline occurring in the Mission. Further, there is no centralized database of the number of

discipline cases in the Mission and there is no information sharing between the civilian and the military components. For the purpose of this audit, OIOS had to collate information from a number of sources which included the Security Section, the Chief Military Personnel Officer, the Chief Civilian Personnel Officer, the Observer Management Group, the offices of the Chief Administrative Officer (CAO) and the Chief of Administrative Service (CAS), the UNV office, the Force Legal officer, the Military Police and the Focal Point for SEA cases.

37. All complaints relating to indiscipline are required to be reported to Security Section which may then assign the case to the Security Investigation Unit for further investigation. In addition, complaints from the local population sent to the Commission for Coordination with Peacekeeping Mission for Ethiopia and Eritrea are sent to the SRSG's Office, which may refer the case to Administration Section or to the Force Commander for investigation. Besides, all cases where the initial report is made by the Military Police are sent to the Force Commander's office. Major cases are reported as and when they occur while for minor cases of traffic violations a report is sent every ten days.

38. As a result of having multiple points where complaint cases are handled, there are no definite figures of the number of disciplinary cases in the Mission. The Chief Civilian Personnel Office and the Chief Military Personnel office which ideally should be having statistics of disciplinary cases pertaining to the civilian and the military personnel respectively do not have such figures. Only the cases which have been sent to them for necessary action are available with them. On the civilian side, OIOS found that there were cases in the CAO's office or in the CAS's office about which the Personnel Office was unaware. Similarly, on the military side, the Chief Military Personnel Officer did not have cases where investigations were done by the contingent commanders or where Boards of Investigation had been set up. When OIOS requested for the statistics of misconduct cases on the military side, the Chief Military Personnel Officer was able to provide it only after three revisions. The desk officer at Observer Management Cell was able to furnish data only for 2003 stating that he had arrived in the Mission only in January 2005 and was consequently unable to furnish data for 2002 or 2004 as he was handed over files pertaining to 2003 only. The Force Commander's Office did not maintain any database to record complaints of misconduct, investigation carried out and final decision taken. It was not able to provide to OIOS a list of Board of Investigation cases conducted by the contingent commanders. Similarly, the UNV Programme Manager who had taken over charge in July 2004 was unable to certify figures of complaints received prior to that period.

Recommendations 11 and 12

UNMEE Management should:

- i. Establish a well-integrated complaints receiving and reporting system that could capture data from the military, police, UNVs and the civilian components (AP2005/624/11/11); and
- ii. Instruct the civilian and military components to submit monthly reports to SRSG showing the number of complaints related to misconduct received, investigation not required,

investigation under process and completed. The Force Commander should also ensure that individual case files are properly handed over when there is a change in the staff officer handling complaints (AP2005/624/11/12).

39. *UNMEE accepted recommendation 11 and stated that it would be implemented by October 2005. UNMEE also accepted recommendation 12 and stated that it would be implemented by August 2005.* OIOS will leave these recommendations open in its database until it can be confirmed that they have been implemented.

E. Review of past misconduct cases handled by the Mission

40. OIOS' scrutiny of some selected case files on misconduct revealed the following:

Disparate disciplinary action for the same type of offences

41. A general impression gathered during the survey was that the Mission management was not even-handed in its approach to handling disciplinary issues. The common perception is that senior management was allowed to get away with misconduct cases while lower ranking personnel were punished for the same offences.

42. OIOS noticed that there were numerous cases of drunk driving in the Mission Area. However, there appeared to be no uniform standards in handling such cases. In one case a private who turned up on foot at the Staff Officer's camp and was said to be drunk, was repatriated on disciplinary grounds. Similarly, a sergeant belonging to the same contingent who had also been drinking at a bar was repatriated. On the other hand, a Lance corporal, again from the same contingent, who had been drinking and had then brought a local girl to the Staff Officer's camp, was not allowed inside as he had the local girl with him. He went inside the camp and then took an UNMEE truck and hit the gate beam. Although his offence was more serious, he was not repatriated. Issues of repatriation are initiated by the Contingent Commanders. Such varying punishments for similar offences give rise to the strong perception of unequal treatment of offenders in the Mission.

Inconsistent BOI decisions in two separate fatal traffic accident cases

43. In a fatal accident involving a vehicle (UNMEE 7569) that occurred on 1 October 2002, in which a 10-year old Eritrean boy was killed, the Board of Inquiry (BOI) relied on the investigation results of the Military Police and the professional opinion given by the Force Provost Marshal. The opinions given by the Military Police were as follows:

“UNMEE 7569 is assessed as travelling at 50 kph by the conservative calculations, at the time of the accident.”

“The deep brake marks (15.20 meters) for the right front tyre and the fatal impact of the accident are obvious indications that (the driver)... was not driving UNMEE 7569 within the stipulated speed limit of 40 kph.”

44. Based upon the findings of the investigating military police officers, the BOI concluded that the vehicle driver was travelling at a speed of 50 kph and was therefore travelling over UNMEE's prescribed speed limit for built-up areas.

45. However, in a fatal accident involving a vehicle (UNMEE 8036) that occurred on 13 January 2005, in which a 50-year old Eritrean lady was killed, the BOI contested the investigation of the Military Police and the professional opinion of the Force Provost Marshal. The opinions given by the Military Police were as follows:

"The principal reason for the accident is attributed to excessive speed of the UNMEE vehicle, because, with a distance of 14 meters skid marks on the road, and more especially when the water tanker was empty, it is evidently clear that the driver was over speeding..."

"It is dutiful to underline that, as shown on the sketch, the truck had braked for 14.30 meters before stop, this proves that even if it was travelling in a down-slow and full loaded it was not travelling in an appropriate speed"

46. Despite the above observations, the BOI made the following conclusion:

"From the statements made by the driver during the interview with the BOI, examination of the findings of the various investigating agencies and inspection of the accident scene, the BOI finds ...there was no evidence to suggest that the vehicle, at the time of the accident, was travelling at a speed higher than the speed limit applicable to that section of the road, i.e., 40 km per hour."

47. The BOI made the above conclusion after visiting the site and making the following observation: "The sharp curve, about 120 m from the accident scene, which could not have been negotiated by the accident vehicle at a speed greater than 20 km per hour". However, according to the report issued by UNMEE Chief of Security, "The accident scene was on a straight road. Visibility at the accident scene was unobstructed, allowing a clear view for both vehicle and pedestrian traffic to have a clear view in both directions. The surface of the road at the accident scene was covered in smooth asphalt and in good condition with no visible holes or corrugation in the surface".

48. The BOI estimated the speed to be not greater than 20 km per hour. However, according to the statement given by the driver and the co-driver to the UNMEE Security Investigating Officer, the vehicle was driven at a speed of about 30 km per hour. The Military Police estimated the speed to be above 40 km per hour due to the tire skid mark of 14 meters.

49. The basis on which the BOI made the conclusion that there was no negligence on the part of the driver is questionable due to the above contradicting opinions regarding road conditions and the speed at which the vehicle was driven at the time of the accident. OIOS is of the opinion that when the BOI has doubts on a professional investigation, it has to obtain advice from another professional source rather than making its own assumptions.

Recommendation 13

UNMEE management should issue guidelines to BOI members that they form their decision on the basis of professional opinion given by the investigators trained in conducting investigation on traffic accidents rather than making their own assumptions which contradict professional opinion (AP2005/624/11/13).

50. *UNMEE accepted recommendation 13 and stated that it would be implemented immediately. UNMEE also stated that it has initiated procedures to improve the quality of briefings provided to BOIs to ensure that they are fully aware of their scope of duties and the attendant responsibilities. Further measures were being taken to ensure consistency in the application of the standards and procedures of the Boards. Boards of Inquiry would be advised that when they seek to ascertain the validity of technical findings, Management should be advised accordingly to arrange further analysis by a qualified practitioner in the subject technical realm. Based on the explanation provided by UNMEE, OIOS has closed recommendation 13.*

Need for serious and prompt action on complaints of misconduct

51. In one case, a complainant, reported to the Focal Point on Sexual Abuse and Exploitation that her senior officer repeatedly offered her a “better” position in the Administration Office as Administrative or Personnel Assistant if she agreed to his request for sexual favors. The Focal Point met the complainant and asked her whether she wanted an “informal approach” to resolve the matter. The complainant, however, clearly indicated that she wanted formal procedures to be initiated. Accordingly, the SRSG sent the complaint and supporting documents to the ASG, OHRM on 18 September 2004.

52. An Investigation Panel was set up by the ASG, OHRM. The Panel found the allegations brought by the complainant against the alleged offender to be true. On the basis of this, the offender was charged with sexual harassment and abuse of power and authority with respect to staff under his supervision. An interoffice memorandum from the Director, Division for Organizational Development, OHRM dated 1 March 2005 containing the charges was delivered by the CAO to the offender on 16 March 2005 and he was given two week’s time to respond to it.

53. A scrutiny of the file reveals that on 1 March 2005, the Director, Division for Organizational Development, OHRM had prepared an Inter-Office Memorandum addressed to the offender wherein it was stated that based on information in the report of the investigations it was decided to suspend the offender from duty with full pay with immediate effect pending disciplinary proceedings in order to protect the complainant and the witnesses. However, it was decided to rescind the suspension decision for the time being based on the CAO’s observation that he did not see any need for suspension at this point as he had already moved the offender from the Sector to Asmara which was 600 miles away and his conviction that the staff member posed no threat. OIOS observed that the offender was not posted at UNMEE Headquarters but at a location which was 5 kilometres away.

54. In the meantime, on 5 April 2005, the theft of a VCR from the Training Room in the Staff Officer's camp was reported to the Security Section and an investigation was launched. While conducting the investigation it was noticed that the theft occurred in the training room where salsa classes were being conducted every week by the alleged offender. The decision to post a person accused of serious sexual misconduct at a location far away from the eyes of Management and also to permit him to conduct salsa classes in the office premises is questionable.

Recommendation 14

UNMEE management should ensure that stern and prompt action is taken on allegations relating to SEA/harassment cases (AP2005/624/11/14).

55. *UNMEE accepted recommendation 14 and stated that it would be implemented immediately. UNMEE also stated that it would ensure that proper action is taken on SEA and harassment cases. Based on the explanation provided by UNMEE, OIOS has closed recommendation 14.*

Tape recordings on proceedings of a sexual abuse case investigation were stolen

56. An alleged case of sodomy case that took place in January 2005, involving four young boys aged between 7 and 13 and a soldier is currently in the hands of a BOI. Three of the four boys have narrated the same stories of being sodomised by the same soldier and even identified him in an identification parade where five soldiers who have similar names to that of the suspect were paraded in uniform and without headgears. On 28 March 2005, CAO's office reported that three cassettes containing recordings of witnesses and proceedings of the case kept among other cassettes in the CAO's office were stolen. This is a clear indication that some interested party to the case is attempting to cover up the case by destroying the case evidence. It should be a lesson learnt for the Mission that extra precautions need to be taken in safekeeping of all documentation, files and exhibits pertaining to BOI and Security Investigation Unit.

Recommendation 15

UNMEE management should review the security aspect on the custody of all documentation, recordings and exhibits of cases under investigation and under BOI action (AP2005/624/11/15).

57. *UNMEE accepted recommendation 15 and stated that it would be implemented immediately. UNMEE also indicated it had reviewed this issue with the Security Section and would be issuing a circular shortly. Based on the explanation provided by UNMEE, OIOS has closed recommendation 15.*

Personnel not properly screened prior to recruitment

58. During the survey, some of the respondents had commented that candidates should be screened thoroughly before appointing them and there should be more transparency in the

recruitment process. There was a feeling that persons with "contacts" were getting employed resulting in undesirable elements joining the UN.

59. OIOS noticed a case of a UNV who had abandoned her volunteer post on 2 November 2004 while serving with UNMEE. Her previous contract was to expire on 30 September 2004 and accordingly on 27 August 2004 she requested for extension of her UNV assignment. The CAO approved extension of the contract from 1 October 2004 to 31 December 2004 on 30 September 2004 and the UNV accepted it on 1 October 2004. However, she informed the Mission on 6 October 2004 that she had been given a position in the Burundi Mission which she was planning to take up. She gave one month's notice from the end of October 2004 and thereafter requested to be repatriated. She also submitted a leave application to UNMEE for compassionate leave to attend to an urgent family matter from 8.11.2004 to 13.12.2004 but this was not sanctioned.

60. The Recruitment and Placement Section (RPS) Desk Officer asked the UNV on 26/8/2004 about the status of her employment with UNMEE and she stated that her UNV appointment was expiring in September 2004. Another message from the RPS Desk Officer dated 4 October 2004 again prompted her to confirm whether or not she had renewed her appointment with UNV and her reply implied that she had not whereas she had actually accepted and signed her UNV contract extension up to December 31 2004 on 1 October 2004. DPKO accordingly sent her an offer of appointment dated 5 October 2004. UNMEE was not informed about the matter till it received a fax from ONUB stating that the UNV had arrived in Burundi. Therefore at that time, she was under two international contracts.

61. The UNV had gone on absence without leave, signed another contract with another UN organization, which is unacceptable, and misled PMSS/DPKO through her untruthful behavior in the process of being recruited. PMSS had also not verified the status of the UNV with UNMEE or with the UNV Headquarters in Bonn and had simply taken her word for it. ONUB informed DPKO that the Mission did not initiate this recruitment nor did it make the offer and that when the Mission received "unsolicited candidatures like this one from PMSS it would assume that eligibility has been checked". The OIC, RPS, PMSS stated on 11 November 2004 that as the UNV misled RPS this jeopardized her appointment with DPKO. However, the UNV arrived in ONUB on 9 November 2004 and is still employed there. In OIOS' opinion, PMSS should thoroughly screen candidates and verify their antecedents with their former employers before hiring them to ensure that candidates with adverse track records are not employed by the Organization.

Major fraud and misrepresentation due to lack of discipline in contingent units

62. In an audit conducted by OIOS in February 2004 on telephone billing system, a major fraud was uncovered involving over hundred military personnel ranging from the rank of Lt. Colonel downwards engaged in making calls using stolen pin codes and abusing the one-minute non-chargeable free calls. The total amount recoverable by the Mission for the period April to December 2003 was assessed at \$340,952. The breakdown is shown in Table 4.

Table 4: Amounts recoverable in respect of telephone abuse

Contingent	Amount due to abuse using stolen PIN Codes	Amount due to abuse of one-minute non-chargeable call	Total amount to be recovered
Jordanian	\$121,762	\$150,773	\$272,535
Indian	1,583	66,348	67,931
Slovak	--	486	486
TOTAL	\$123,345	\$217,607	\$340,952

63. No disciplinary action was taken on those contingent members involved. Since most of those involved in this telephone abuse have been repatriated, DPKO is pursuing the recovery of these amounts through the Permanent Missions of the respective contingents to United Nations.

Recommendation 16

UNMEE Management should henceforth make it mandatory to subject those involved in fraud to disciplinary action, besides recovering the loss to the Mission (AP2005/624/11/16).

64. *UNMEE accepted recommendation 16 and stated that it would be implemented immediately. UNMEE also stated that it would make it mandatory to subject those involved in fraud to disciplinary action in addition to recovering the loss to the Mission.* Based on the explanation provided by UNMEE, OIOS has closed recommendation 16.

Extension of contracts of repeat offenders

65. OIOS noticed a case of a UNV who is a habitual offender of the UN code of conduct. There are four cases against him in UNMEE with complaints ranging from allegations from the Commissioner's office about him insulting Eritrean officials and displaying unethical behavior, to refusing to show his ID card in UNMEE Headquarters and threatening the guards at the gate, not obeying the Military Police order to stop at a check-post and then refusing to show his documents, write his statement or sign any declaration, to allegations from a local that he had seen the UNV in an UNMEE car engaged in sex with two girls. The UNV Programme manager conducted an investigation into the last allegation and issued a letter of reprimand to the UNV on 24 February 2005. His contract expired on 31 March 2005 but he has been given an extension. OIOS is of the opinion that extending contracts of persons who are repeat offenders conveys the impression that Management does not take allegations of misconduct seriously.

Complicity of staff member in illegal exit

66. UNMEE vehicle 222 went missing from its location in Asmara, Eritrea on 6 January 2004 and was found to have been driven to Addis Ababa by four Eritrean nationals where it was recovered by UNMEE on 13 January 2004. A Board of Inquiry was set up on 10 February 2004 to investigate the disappearance and the unauthorized use of the vehicle. The Board found the journey was not authorized by UNMEE. The unauthorized taking of the vehicle was facilitated through someone acquiring the vehicle's keys as well as the swipe-card necessary to operate the vehicle. The keys belonged to a UNV and were reported as stolen by him. The Board however severely questioned his testimony as it contained several discrepancies such as conflicting

accounts of his movements on the day the vehicle went missing which were not supported by the Carlog information and also inconsistencies in his statements as to where he had parked the car and when. He also denied making phone calls to Ethiopia from telephone numbers in his charge although the telephone records showed that the calls were made on his PIN code. Based on the findings of the BOI, the UNV's contract was not renewed after 31 December 2004.

Lack of transparency regarding the matter of peacekeeper babies

67. During a press conference in April 2005, the international media wanted to know how many peacekeeper babies were there in Ethiopia and Eritrea. UNMEE stated that it had received two official and one unofficial reports on these allegations from three Eritrean women, involving two children and a pregnancy. Three peacekeeping soldiers were involved in the accusations. The Mission also stated that investigations were rendered difficult as the allegations came after the soldiers left the Mission area. OIOS' scrutiny however revealed that the official allegations at least were received when the soldiers were still in the Mission area and in one case payment was even made to the concerned woman. Further, OIOS also found that there were three more cases involving civilians which were in the Management's knowledge but not disclosed.

F. Abuse of authority by senior management

68. During the course of the survey, a good number of respondents interviewed, cited cases of senior managers who did not set good examples for others to follow. The following are some cases to support this perception.

Action not taken against senior managers

69. A confrontation took place on November 2002 between the Director of the Office of SRSG (D/OSRSG) and a Security Officer over an incident where a staff officer of the Security Section told the D/OSRSG to wear her ID card. The D/OSRSG became very agitated and a heated altercation followed with abuse and threats. In October 2003 both the D/OSRSG and the Security Officer were asked whether they wanted to opt for mediation or a Board of Inquiry. While the D/OSRSG opted for mediation, the Security Officer opted for a BOI. The Security Officer's request for a BOI was never acceded to. Instead, he was verbally advised that since the matter involved a high-ranking official, action would not be taken by the Mission and if he desired he should take up the case with New York directly. In December 2003, just days before the Security Officer was to take up a new assignment in Georgia, the SRSG appointed an investigator to look into the matter and submit a report, although an initial investigation had already been conducted and a report submitted by the Chief Security Officer. Meanwhile, the Security Officer had referred his case to the Investigations Division of OIOS stating that he had no faith that this case would be dealt with fairly by UNMEE Management. The details of this case were not reflected in the Security database, which showed the words "CONFIDENTIAL" in each field.

Sexual harassment committed by staff member at senior management level

70. Of the five cases of sexual harassment scrutinized by OIOS, three were committed by military personnel and two by civilian personnel. One of the cases concerning military personnel

involved a former Force Provost Marshal, who made indecent proposals towards a local female employee and was consequently investigated for alleged misconduct. The Force Provost Marshal is the highest-ranking Military Police Officer in the Mission with responsibility for maintaining order and discipline. However, he left the Mission before the investigation was completed, but based on the evidence available, the Force Commander issued a formal notification of displeasure to DPKO in January 2004.

Drunk driving by senior officer

71. In June 2003, the Deputy Force Commander (DFC) who was to shortly leave the Mission and had already checked out with Transport Section, drove a UN vehicle and got involved in an accident with a local vehicle. The Security Investigation Officer stated that he detected the odour of alcohol in the vehicle but did not notice any impairment in speech or actions of the DFC. However, the local driver, in his statement, stated that the DFC was “seriously intoxicated”. He also stated that “the other persons who were with the DFC, helped him run away and the whiskey that he was drinking was moved to another vehicle”. The investigation was unable to conclusively determine which driver was responsible for the actual collision but stated that alcohol may have been a contributing factor in this accident. When Security Investigation Report was put up to the Force Commander, he noted on the file that “no further action by Force”.

Circumvention of rules to accommodate family members on UN flights

72. In its management letter dated 22 October 2003, the Board of Auditors (BOA) raised the issue of non-UN Mission staff using the UN aircraft. Accordingly, the BOA recommended that UNMEE issue guidelines, compliant with the UN Rules and its mandate on the use of UN aircraft by individuals not linked to the Mission’s mandate, such as relatives of staff members. The Mission accepted the recommendation and stated that it has been the Mission’s policy to allow non-UN passengers to travel on regular flights only on a space available basis. Such passengers are placed on priority 6, while UNMEE personnel travelling on duty and those proceeding on leave are placed on priority 3 and 4 respectively.

73. In a communication from the Chief Administrative Officer (CAO) dated 7 December 2004, it was brought to the SRSG’s attention that in order to accommodate the Force Commander’s (FC) wife on the jet flight to Addis Ababa on 9 December 2004, a Political Affairs Officer had to make way for the FC’s wife to travel. The CAO cautioned the SRSG that such practice was against the UN rules. Furthermore it was the fourth such flight to be undertaken by the FC’s wife to Addis Ababa within a couple of months.

74. In a communication from the OIC, Movement Control (MovCon) dated 20 April 2005, it was brought to the attention of the CAO that again there was a manipulation of the MovCon System by the Force Commander’s Office to have the family of the FC placed on the flight. One priority 3 passenger and two priority 4 passengers with confirmed seating all belonging to the military did not travel just to accommodate the non-UNMEE family members. One of the passengers with confirmed seating turned up at the airport but did not check-in while the other two did not board the UNMEE bus, which went to pick them at their hotel in Addis Ababa.

75. A scrutiny of the passenger manifest also revealed that the FC had taken his wife on helicopter flights during his official duty to the sectors where the military contingents are located. Examples of these are on 13/11/2004 from Asmara to Barentu; 05/01/2005 from Addis to Mekele; 06/01/2005 from Mekele to Addis and 12/01/2005 from Asmara to Barentu. The practice of military officers bringing family members to visit sectors by UN aircraft is spreading. On 23 May 2005, the OIC, MovCon reported that during the check-in of flight UN628/1 to Assab, a Sector Commander verbally informed that two of his soldiers were canceling their travel for some reasons. Coincidentally, the sector commander's wife and son were both wait-listed on the same flight. It appears that the two soldiers were instructed not to travel just to accommodate the family members of the Sector Commander. On 25 May 2005 the FC brought his wife and daughter on a working visit to Barentu and his Military Assistant too brought his wife and two children aged 8 and 9 on a visit to Barentu. The four of them were put on wait list and again two military personnel canceled their travel to accommodate these non-UNMEE family members.

76. The abuse of the UN aircraft services for personal purposes by the senior military officers is very glaring. The modus operandi appears that either some soldiers who have no real intention to travel are made to fill up the Movement of Personnel (MOP) forms to place their names in the passenger manifest on the same day that some family members of senior military officers have planned to travel, or as a last resort to secure seats for family members, some soldiers are directed not to check-in. The trend has been that, some soldiers do not check-in at the air terminal "for some reasons" as has always been the excuse whenever family members of senior military officers are wait-listed.

77. UNMEE being a non-family Mission, the question whether military staff members are permitted to bring their families here and then take them on UN aircraft to visit the sectors during official visits at the cost of UNMEE personnel needs to be addressed by the Mission's management.

Recommendations 17 and 18

UNMEE Management should:

- i) Take a serious stance on cases of abuse in the utilization of UN aircraft for personal interests of some senior military officers and institute measures to stop this abuse from spreading further (AP2005/624/11/17); and
- ii) Refer to DPKO for a ruling as to whether military staff members are permitted to bring their families into the Mission area (AP2005/624/11/18).

78. *UNMEE accepted recommendation 17 and stated that it would be implemented immediately.* Based on the explanation provided by UNMEE, OIOS has closed recommendation 17.

79. *UNMEE did not accept Recommendation 18 stating that since families of international staff are allowed for short visits, objecting to Military Staff Officers bringing families temporarily to the Mission area would appear to be discriminatory. UNMEE felt that the existing policy was adequate.* OIOS is of the opinion that since Staff Officers have the same status as military contingents who are not permitted to bring their families to any Mission, permitting staff officers to do so is discriminatory. Hence, Mission Management should refer the matter to DPKO for clarification. This recommendation therefore remains open in the OIOS recommendations database pending DPKO's response.

Satellite TV facilities

80. Satellite TV facilities at costs borne by UNMEE have been given to senior management staff members who need to tune in to world news during office hours to keep track of latest developments around the world that may have an impact on the Mission's activities. In a communication dated 14 January 2005, the Chief Resident Auditor brought to the attention of the SRSG that two senior officers were given satellite TV facilities and associated equipment at their private residences as well, at UNMEE's expense and that the facilities at their private residences should be recovered. In an Interoffice Memorandum issued by the CAO dated 17 January 2005, it was decided that the satellite TV facilities and associated equipment be removed from private residences of the two senior officers. One returned the equipment (TV, VCR, decoder, program subscription card, and satellite dish) while the other is still retaining the pieces of satellite TV equipment in his residence.

Recommendation 19

UNMEE Management should request the senior officer concerned to return the UN-owned TV, VCR, decoder, program subscription card and the satellite dish from his private residence to UNMEE (AP2005/624/11/19).

81. *UNMEE accepted recommendation 19 and stated that the equipment had been returned to the Mission in June 2005.* Based on the explanation provided, OIOS has closed recommendation 19.

Telephone calls made to home country classified as official calls

82. In accordance with UNMEE Administrative Circular No 04/07 dated 19 February 2004, "calls made by contingent personnel to their home countries, using UNMEE telephone network on matters primarily or directly related to national or contingent business are the responsibility of the contingent and not the United Nations/UNMEE".

83. As a follow-up to the audit on the abuse of telephone billing system done during the first half of 2004, audit verification was done for calls made in the second half of 2004 to entities outside the UN organization and classified as official by UNMEE non-contingent and contingent personnel. In a communication dated 2 March 2005, the Chief Resident Auditor reported to SRSG that during the period July to December 2004 one senior military official made several calls to his home country, which he classified as official. . A detailed analysis of these calls revealed the following discrepancies:

- Explanations were not given for calls marked as official as required by UNMEE Administrative Circular No 04/07.
- It was observed that some official calls were made at times which would be well beyond office hours in his home country.
- It was also observed that some numbers which were shown as official in one bill were listed as private in another bill.

84. Taking into account the above, it was unreasonable to classify all the above calls made to home country as official calls made on matters related to United Nations/UNMEE business.

Recommendation 20

UNMEE Management should ensure that personal telephone calls are scrutinized to reclassify them correctly and cost recovery made, where appropriate (AP2005/624/11/20).

85. *UNMEE accepted recommendation 20 and stated that it had been implemented.* Based on the explanation provided, OIOS has closed recommendation 20.

Abuse of UN rations supplied to the Indian contingent

86. During OIOS' interview with the survey respondents and also from the written comments of some of the respondents it was brought to the attention of OIOS that the FC had given approval to Indian Staff Officers who have brought their families into the Mission area, to draw UN rations from Force Reserve Company (FRC)/Construction Engineering Company (CEC). At present, three staff officers whose families are in the Mission Area are drawing UN rations from the FRC/CEC for the consumption of their family members. During an interview with the Commanding Officer CEC on 1 June 2005, it was confirmed that these rations were being delivered to the private residences of the staff officers on a weekly basis. Furthermore, the Commanding Officer stated that this practice was on-going prior to his arrival. OIOS was also informed during the survey that UN rations and bulk water from FRC are being supplied to the private residence of the FC as well. This was adversely commented upon by some survey respondents as an example of Senior Management not leading by example.

Recommendation 21

UNMEE Management should immediately stop the practice of delivering UN food and water rations to private residence for consumption by non-UNMEE personnel (AP2005/624/11/21).

87. *UNMEE accepted recommendation 21 and stated that it would be implemented in July 2005.* Based on the explanation provided, OIOS has closed recommendation 21.

VI. ACKNOWLEDGEMENT

88. We wish to express our appreciation to the Management and staff of UNMEE for the assistance and cooperation extended to the auditors during this assignment.

A handwritten signature in black ink that reads "P. Azarias". The signature is written in a cursive style with a large, looped initial "P".

Patricia Azarias, Director
Internal Audit Division - I, OIOS

UNMEE - SUMMARY OF SURVEY RESULTS: PART 1

	Yes	No	Don't know
Are you aware of the UN code of conduct?	92%	6%	2%
Are you aware of what constitutes misconduct or prohibited conduct?	94%	5%	1%
Are you aware that involvement with a prostitute is prohibited under UN standards of conduct?	91%	7%	2%
Do you know that sexual activity with a person under the age of 18 is prohibited?	96%	3%	1%
Do you think that the mission is implementing measures to prevent SEA?	74%	12%	14%
Do you know how to report or file a formal complaint?	60%	29%	11%
Would you report a suspicion of misconduct?	65%	18%	17%
Did you receive briefing or information on UN standards of conduct?	83%	14%	3%
Do you think that misconduct is occurring and going undetected and unpunished?	23%	48%	29%
Do you consider the disciplinary mechanism to be fair?	65%	14%	21%
Do you fear reporting cases of misconduct?	13%	82%	5%
Are you familiar with the status, basic rights and duties of UN staff members? (for civilian personnel only)	87%	11%	2%
Are you aware that you have a duty to report concerns or suspicions regarding SEA by a fellow worker? (for civilian personnel only)	62%	27%	11%

UNMEE – SUMMARY OF SURVEY RESULTS: PART 2

	Worse 1	2	3	4	Good 5
How do you feel about the overall state of discipline in the mission?	1%	8%	27%	24%	39%
What is your perception of how misconduct cases are handled in the Mission?	3%	8%	30%	24%	32%
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: overall?	1%	7%	43%	17%	30%
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: theft and misappropriation?	2%	8%	38%	19%	31%
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: fraud and misrepresentation?	2%	7%	37%	16%	29%
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: harassment and sexual harassment?	3%	10%	33%	16%	34%
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: physical assault?	2%	5%	37%	17%	34%
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: SEA?	5%	9%	29%	12%	41%
How would you characterize the Mission's attitude on dealing with misconduct/disciplinary issues: others?	4%	8%	37%	16%	32%

ANNEX 3

Cases of misconduct in UNMEE involving international staff as the alleged offender

	Complaints received			STATUS												Cases that resulted in OHRM sanction		
	Under investigation			Closed without referral to HQ			Dismissed			Referred to HQ								
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004			
1 Theft and misappropriation																		
2 Fraud and misrepresentation																		
3 Harassment and sexual harassment, including verbal assault			1															
4 Physical assault																		
5 Sexual exploitation and abuse			1														1	
6 Abuse of power, position or authority, including inappropriate superior-subordinate relationship	1	2								2	1							
7 Misuse of UN resources		1	1			1												
8 Others		2	2		2												1	
TOTALS	1	5	5		2	1				2	4					2	2	

LEGEND: (1) Dismissed because case could not be substantiated; (2) Dismissed due to false allegation

Note: One sexual harassment case was received in April 2005 and investigation is ongoing

ANNEX 3

Cases of misconduct in UNMEE involving national staff members

	Complaints received						STATUS												Cases that resulted in OHRM sanction		
	Under investigation			Closed without referral to HQ			Dismissed						Referred to HQ								
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004			
1 Theft and misappropriation																					
2 Fraud and misrepresentation	2																				
3 Harassment and sexual harassment, including verbal assault																					
4 Physical assault	1																				
5 Sexual exploitation and abuse																					
6 Abuse of power, position or authority, including inappropriate superior-subordinate relationship																					
7 Misuse of UN resources																					
8 Others	1																				
TOTALS	4																				

LEGEND: (1) Dismissed because case could not be substantiated; (2) Dismissed due to false allegation

ANNEX 3

Cases of misconduct in UNMEE involving UNVs and other civilian personnel

	STATUS												Cases that resulted in OHRM sanction						
	Complaints received			Under investigation			Closed without referral to HQ			Dismissed						Referred to HQ			
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004	
1 Theft and misappropriation																			
2 Fraud and misrepresentation		2																	
3 Harassment and sexual harassment, including verbal assault	1	2																2	
4 Physical assault																			
5 Sexual exploitation and abuse																			
6 Abuse of power, position or authority, including inappropriate superior-subordinate relationship		1	1														1		
7 Misuse of UN resources			1																
8 Others																			
TOTALS		2	6							1	3						2	1	3

LEGEND: (1) Dismissed because case could not be substantiated; (2) Dismissed due to false allegation

ANNEX 3

Cases of misconduct in UNMEE involving members of military contingents

	Complaints received						STATUS												Cases that resulted in OHRM sanction					
	Under investigation			Closed without referral to HQ			Dismissed						Referred to HQ			2002			2003			2004		
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004			
1 Theft and misappropriation																								
2 Fraud and misrepresentation																								
3 Harassment and sexual harassment, including verbal assault																								
4 Physical assault	1		1				1																	
5 Sexual exploitation and abuse	3	1										2	1											
6 Abuse of power, position or authority, including inappropriate superior-subordinate relationship																								
7 Misuse of UN resources																								
8 Others	6	7	6				6	6	6														2	
TOTALS	10	8	7				7	6	6	7	7	2	1	1									2	

LEGEND: (1) Dismissed because case could not be substantiated; (2) Dismissed due to false allegation

ANNEX 3

Cases of misconduct in UNMEE involving military observers

	Complaints received				STATUS												Cases that resulted in OHRM sanction		
	Under investigation		Closed without referral to HQ			Dismissed						Referred to HQ							
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004				
1 Theft and misappropriation																			
2 Fraud and misrepresentation																			
3 Harassment and sexual harassment, including verbal assault	1																	1	
4 Physical assault	1				1														
5 Sexual exploitation and abuse	3				2														
6 Abuse of power, position or authority, including inappropriate superior-subordinate relationship	3																		
7 Misuse of UN resources																			
8 Others	6																		
TOTALS	14	3			9												1	1	

LEGEND: (1) Dismissed because case could not be substantiated; (2) Dismissed due to false allegation

ANNEX 3

Cases of misconduct in UNMEE involving military police officers

	Complaints received			STATUS								Cases that resulted in OHRM sanction			
	2002	2003	2004	Under investigation			Closed without referral to HQ			Dismissed		Referred to HQ			
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004
1 Theft and misappropriation															
2 Fraud and misrepresentation															
3 Harassment and sexual harassment, including verbal assault															
4 Physical assault															
5 Sexual exploitation and abuse															
6 Abuse of power, position or authority, including inappropriate superior-subordinate relationship															
7 Misuse of UN resources															
8 Others															
TOTALS															

LEGEND: (1) Dismissed because case could not be substantiated; (2) Dismissed due to false allegation
 Note: No cases as per MP Company Commander



OIOS/IAD-1 Client Satisfaction Survey

The Internal Audit Division-1 is assessing the overall quality of its audit process. A key element of this assessment involves determining how our clients rate the quality and value added by the audits. As such, I am requesting that you consult with your managers who dealt directly with the auditors, and complete the survey below. I assure you that the information you provide will remain strictly confidential.

Audit Title & Assignment No.: Review of the state of discipline in UNMEE
(AP2005/624/11)

By checking the appropriate circle please rate:

	1 (poor)	2	3	4(excellent)
1. The extent to which the audit addressed your concerns as a programme manager.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. The audit staff's understanding of your operations and objectives.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. The professionalism of the audit staff (communications, integrity, professional knowledge and responsiveness)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. The quality of the audit report in terms of:				
-- accuracy and validity of findings and conclusions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-- clarity and conciseness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-- balance and objectivity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
-- timeliness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. The extent to which the audit recommendations were appropriate and helpful.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. The extent to which your comments were considered by the auditors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. Your overall satisfaction with the conduct of the audit and its results.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please comment on any areas in which you have rated the audit team's performance as below your expectations. Also, please feel free to provide any further comments you may have on the audit process to let us know what we are doing well and what can be improved.

Name: _____ Date: _____

Title: _____

Organization: _____

Thank you for taking the time to fill out this survey. Please send the completed survey form as soon as possible to:
by mail: Ms. Patricia Azarias, Director, Internal Audit Division-1, OIOS
Room DC2-518, 2 UN Plaza, New York, NY 10017 U.S.A.
by fax: 212-963-3388
by email: iad1support@un.org.