

22 November 2017

António Guterres
Secretary-General of the United Nations
UN Secretariat
One United Nations Plaza
New York, NY 10017

Mr. Secretary-General,

We are writing to you about a matter of grave and urgent concern.

The UN has announced that an international civilian staff member in the UN's peacekeeping mission in the Democratic Republic of the Congo (MONUSCO) has been accused of committing rape against a female child. The UN Organization's handling to date of this allegation illustrates our concerns about the fundamental defects in the UN's "New Approach" to its ongoing sex abuse crisis:

- **conflict of interest** between the Organization's role as employer of the accused, and its role as intermediary for the victim;
- **double standards** in the Organization's responses to allegations made against military versus civilian UN personnel, as well as in the Organization's responses to allegations made against national versus international civilian UN personnel;
- **potential additional harm to victims** posed by Victims' Rights Advocates;
- **abuse of authority** through acts that shield those accused of crimes from the law;
- **lack of transparency**, which permits the Organization to control and manipulate facts and evidence that could damage its reputation, and to do so with no external scrutiny and no clear mechanism by which the Organization can be held accountable.

Upon questioning by the Code Blue Campaign and media, the UN [provided](#) these scant facts:

Victim:	female child (age not disclosed)
Complaint:	rape
Accused:	UN international civilian (non-military) staff member
Date of incident:	2016
Reported by:	mother of the victim
First reported to:	"local courts" in the Democratic Republic of the Congo
Date of first report:	July 2017
Reported to UN:	early Nov 2017
Reported to UN by:	mother of the victim

UN actions

announced to date: “The allegation was assessed by the Head of Mission and determined that sufficient evidence exists to warrant an investigation.”

“Consequently, the matter was referred to the Office of Internal Oversight Services [OIOS] for appropriate action”

“[The matter was referred] to UN Headquarters with recommendation that the staff member be placed on administrative leave without pay pending investigations and disciplinary process, if any.”

“The alleged minor victim has been referred to UNICEF for medical and psychosocial support.”

UN planned actions

announced to date: “The Mission [MONUSCO] will continue to monitor her well-being”

“[MONUSCO will] maintain appropriate contact to ensure that her needs are met by the service provider as necessary.”

Our questions are uncomplicated, requiring simple answers:

- 1) What is the nationality of the staff member?
- 2) The UN “determined that sufficient evidence exists to warrant an investigation.” Did the Head of Mission determine that sufficient evidence exists to warrant a *criminal* investigation?
- 3) If so, under what published, objective standard was that determination reached?
- 4) In the course of making that determination, was evidence collected by MONUSCO staff? If so:
 - Was the child interviewed by MONUSCO staff? If so, by which staff member/s?
 - How many interviews were conducted? Were the child’s statements recorded? If so, in writing or by audio or by video?
 - Were witnesses interviewed by MONUSCO staff? If so, which MONUSCO staff member/s? Were the witnesses’ statements recorded?
 - Did MONUSCO staff collect physical evidence? If so, how, where, and by whom was that physical evidence collected and stored?
 - What specific measures, if any, were taken by MONUSCO staff when collecting and storing physical and testimonial evidence to (a) establish the chain of custody, and (b) protect against tampering with or degradation of evidence?
 - Was any other evidence sought, collected, or stored? If so, what evidence?

- 5) If sufficient evidence exists to warrant a *criminal* investigation, why was the matter referred to OIOS?
- 6) Immunity does not apply in this case. The Democratic Republic of the Congo (DRC) has jurisdiction over the investigation and prosecution of this crime. Are DRC authorities conducting a criminal investigation?
- 7) If not, why not?
- 8) If a criminal investigation is not currently underway in the DRC, to which jurisdiction will this case be referred for criminal investigation and prosecution? When will that referral be made?
- 9) Where is the accused now? Is he being detained in the DRC until a criminal investigation is completed? What steps has the UN taken to ensure that the accused does not flee?
- 10) Has the MONUSCO Victims' Rights Advocate had contact with the victim or the victim's mother? If so, what steps are being taken to ensure that these interactions do not prejudice a criminal investigation and prosecution?
- 11) Have other UN personnel had direct interactions with the girl or her mother? If so, what steps are being taken to ensure that these interactions do not prejudice a criminal investigation and prosecution?
- 12) According to the UN, victims have rights. Have those rights been codified? Has the victim's mother been informed of those rights and of any specific assistance and services to which her daughter is entitled?
- 13) Does the UN believe that the Organization is obligated to provide those specific services and assistance? If so, when, and for how long?
- 14) If the victim's mother/legal guardian believes that some or all of the rights and entitlements due to her child are not being provided by the UN, to whom can she appeal?

Mr. Secretary-General, we are now forced to raise these concerns in an Open Letter because our previous efforts have been denied a fair hearing. We respectfully seek a reply at the earliest possible moment.

Yours sincerely,



Paula Donovan
Co-Director, AIDS-Free World



Stephen Lewis
Co-Director, AIDS-Free World

cc. Mr. Atul Khare, Under Secretary-General; Ms. Heidi Mendoza, Under-Secretary-General; Mr. Miguel de Serpa Soares, Under-Secretary-General; Ms. Jane Holl Lute, Under-Secretary-General