

**Partial catalogue of errors made in the UN investigation of sexual assault allegations against Deputy Executive Director of UNAIDS, Luiz Loures**

**I. Summary**

Investigators of the World Health Organization, whose rules and regulations govern staff of UNAIDS, were dispatched to conduct interviews and inquire into the allegations of sexual assault made by a UNAIDS staff member (the complainant) against the Deputy Executive Director of UNAIDS, Luiz Loures. These investigators were mostly staff of the WHO, part of its Internal Oversight Service (IOS); some were WHO contractors. The investigators of WHO-IOS relayed their finding and recommendations to the Global Advisory Committee (GAC), which consisted of three mid-level staff members of UNAIDS, with a final determination made by an interim decision-maker, also a UNAIDS staff member, appointed by the Executive Director of UNAIDS, Michel Sidibé.

The structure of this investigation was riddled with clear, unavoidable and obvious conflicts of interest stemming from the fact that employees of the same organization were ruling on other employees of that structure. In this case, even more egregiously, the allegations were made against senior management, and decision on those allegations were to be taken by more junior appointees of senior management, who were also active employees working under that management. There were no established protocols that specifically provided a pathway to avoid this conflict of interest, and the investigation was undertaken with a fatal flaw from the very beginning, which some witnesses and the complainant herself raised. However, the investigators ignored this problem and carried out the process.

This process, as seen in the following examples, resulted in clear bias. At multiple points, investigators appear to be exerting efforts to discredit the testimony of the claimant, while providing multiple chances for the accused to refine, reflect, and speculate on the events in question. The investigators defer to the accused, a senior manager, and do not question his credibility, state of mind, emotional stability, or other irrelevant factors - in sharp contrast to the questions asked of and about the complainant.

The investigation itself proves to be a perfunctory inquiry, in which investigators ignored leads that held potentially relevant information. These include: conflicting witness testimony, the apparent inability of the alleged to recall his exact whereabouts, ample evidence suggesting that Luiz Loures may have had a history of harassment and prohibited behavior towards women, interview responses suggesting Luiz Loures did not understand the policy on sexual harassment, and other details such as locating witnesses and records of the nights in question.

The apparent bias and failure to perform a full and complete investigation is also evident in the investigators' treatment of claims that Michel Sidibé intervened to suggest to the complainant that she settle the matter, which Sidibé does not deny. Investigators note the inappropriate nature of the Executive Director – at a point in the process before his recusal, when he was still slated to make the ultimate judgement in the case – approaching a junior employee in the course of an investigation to ask her, in the context of discussing her career, whether she would like to mediate her claim instead of continuing with investigation, in the interest of the organization. Yet investigators do not sanction this clear violation of WHO policy.

The final report of the WHO-IOS team; the subsequent failure to sanction either Luiz Loures or Michel Sidibé; and a decision made by their junior employees, is rife with bias and conflicts of interest. It presents a clear dereliction of the duty of all those involved to uphold standards of fairness, neutrality, and professional integrity in the investigation and disposal of a serious allegation of sexual assault by the second-ranking executive, as well as failure to cite the inappropriate interference and attempted cover-up by UNAIDS most senior executive.

## II. Examples

1. Investigators did not take sufficient steps to ensure the impartiality of the investigation, findings, and review. There existed a serious conflict of interest that was apparent to investigators and the senior management of UNAIDS from the very beginning of the investigations, as evidenced by their comprehension of the protocols. The findings of WHO-IOS investigations are sent to a Global Advisory Committee (GAC) for review and recommendations. Two of the three committee members are appointed by UNAIDS senior management; senior management was the subject of the investigation. Investigators took no steps to prevent this conflict, which resulted in a perfunctory investigation that had no hope of achieving a finding that was fair and free from bias.
  - a. Investigators informed all the witnesses that any information they provided would inform recommendations made to senior management (UNAIDS), and that the final decision about whether charges should be pursued would be made by senior management. This preamble was recited to all the interviewees including Loures and Sidibé who are both senior management and were subjects of the investigation.
  - b. Another UNAIDS employee interviewed by investigators questioned this conflict during his interview.
    - i. Investigator: *“The information you provide will be used to determine the facts, reach conclusions and make recommendations to management. The investigators do not institute disciplinary proceedings...”*
    - ii. Interviewee: *“And who is management?”*

- iii. Investigator *“In this case, that is probably UNAIDS senior management, management.”*
    - iv. Interviewee: *“But Luiz Loures is Senior Manager.”*
    - v. Investigator: *“Yes. Okay. Good.”*
  - c. Loures himself acknowledged that his only supervisor is Sidibé, who also happens to be his friend and a subject of the investigation.
    - i. Investigator: *“Okay. So who is your first- level supervisor?”*
    - ii. Loures: *“The Executive Director, Michel Sidibé.”*
    - iii. Investigator: *“Michel Sidibé. And the second level?”*
    - iv. Loures: *“There is no, nothing. That, it’s Michel Sidibé. And the of course, but we do have ASGs that you are familiar to. We, these jobs belong to the Secretary General. But there is no line management directly.”*
2. The alleged assault occurred after a one-on-one conversation between the complainant and Luiz Loures. Investigators did not pursue clarifications or duly weigh Loures’ conflicting memory of events, which oscillate between certainty about having a conversation with the complainant, and uncertainty about the location, time and context of that conversation and thus, its relevance to the events preceding the alleged assault. While much of his testimony speculates on what may have happened according to his assertions of his usual behavior, investigators treat this as his recollection of events on the night of the assault.
- a. Loures: *“I spoke to her during the [reception]. I have no question that did happen.”* Later, Loures notes: *“I may have had conversation with [complainant]. Probably, yes.”* Investigator: *“You’re not sure?”* Loures: *“no, I know, I spoke to her...the issue is more the time and the moment.”* Further in his testimony he again states: *“And then back to your question: what could happen? Yeah, I may have spoken to [complainant] between [reception and dinner].”* Yet again, Loures: *“I remember talking to [complainant]...May have happened this evening.”*
  - b. Investigators: *“at some point you made the suggestion to move the conversation with her to another location. Do you remember that?”* Loures: *“Yes,...yes.”* Investigators ask *“you move elsewhere...how does this move happen...”* Loures: *“It was nothing like planned....It was a natural movement of being in reception, then sitting down somewhere and talk a little more...”* Yet Loures also notes that he is still unclear about the circumstances, and later says, *“that’s my - that’s very likely that it was the sequence.”*
  - c. Investigators ask, *“why would you move to a more private area during a normal conversation”*, and Loures only replies *“to leave the reception...”*

- d. Loures: *"I recall to be with her, only with her..."* Investigators: *"So you were alone with her?"* Loures: *"I would easily do that, yeah, being in a place and go to a next door bar..."*
  - e. Investigator: *"tell me about the time when you told her goodbye."* Loures: *"we just walk away...I went to the dinner, and she went somewhere else."*
  - f. Investigators did not clarify that Loures did not specifically recall the events of the night, but largely recalled what *"could be"* or *"could have been"*.
3. Investigators did not remind Loures of his obligation to cooperate fully, including to answer all questions, nor did they reprimand Loures for failure to comply with the investigation when he alleged discomfort in answering questions about a conversation that he claimed was key to the investigation. By deferring to his choice not to cooperate, investigators allowed Loures to sidestep several questions and gave him a four-month delay during which he was allowed to re-tell his story.
- a. At the start of the interview, investigators noted *"As a WHO employee, you have the duty to fully cooperate with this investigation; failure to do so may constitute separate grounds for misconduct."*
  - b. Loures notes a conversation with the complainant, *"I can share with you, but...if that can be kept confidential. And I had the reasons to do so, and do it as a doctor."* Loures notes: *"in some aspect it could be in a [medical] point of view that could be a breach of my own confidentiality"*, but added *"it was not in a doctor-patient relationship, not at all. We are talking for, like colleagues...I'm not sure I'm prepared really to put that out."*
  - c. Investigators note that they cannot keep the conversation off the record, *"that's not part of the protocol."* They remind Loures that the complete detail of the meeting with the complainant *"is relevant"*.
  - d. Yet one of the investigators intervened, *"Maybe we come to that and hold this sort of thing."* They did not remind Loures of his obligation to cooperate.
  - e. The investigators continued with the interview, one referencing that *"[complainant] shared with you some personal, I understand, or at least confidential information that you are a bit reluctant to share. We certainly understand that, at the moment...And so I will not dig into this personal information."*
  - f. Investigators further asked, *"You're saying it was this conversation that you had with [complainant] that she perceived as being a sexual assault...?"* yet they did not ask Loures to disclose in full detail what the conversation was.
  - g. Other questions hinged on this failure to cooperate. Loures notes, *"For me, there is a line between what I feel that I can share...and what I did not share..."*

- h. The first interview, 17 March 2017, concluded without any reprimand or reminder that Loures is obligated to cooperate per WHO rules. The second interview, 12 July 2017, is when Loures finally divulges the alleged details of the conversation, a full four months later.
  - i. Investigators asked the complainant if she had disclosed personal or confidential information, which she denied, and further stated that no privilege or confidentiality existed in this situation. Investigators already knew this to be true, as Loures had stated in March, and stated again in the July interview, *"I was not...in a doctor-patient relationship."*
  - j. Loures was not reprimanded for obstructing the interview and refusing to answer questions that were not privileged or confidential.
4. The complainant recalls being distraught after the alleged sexual assault, and witnesses corroborate her state of mind, as well as her account of where she was and what she was doing in that state. Investigators improperly invited Loures to speculate on whether any other circumstances or events might have occurred, providing alternative explanations for the complainant's distraught state during the evening of the alleged assault.
    - a. Investigators asked Loures to speculate on *"any cause-effect relationship between what [the complainant] told you and the state of mind the witnesses described."*
    - b. Investigators asked Loures about how he perceived the complainant earlier in the evening: *"Was she very emotional?"*
    - c. Investigators asked Loures to reflect on how he perceived the complainant during a conversation (details of which Loures had refused to divulge): *"Was she being coy?", "being a bit free, being a bit forward, perhaps?", "you can't be a bit more specific about how you perceived her conversation, why she brought it up?"*
    - d. Investigators asked: *"when you left, you were friendly... was there animosity between you two?"*
    - e. Investigators asked: *"Would you see a cause-effect relationship between this information and that [complainant] shared with you, and her complaint?"*
  5. At no point did either the complainant or Loures claim that incapacitation by alcohol was a factor in this event. Both admitted to having drinks on the evening of the alleged assault, yet investigators pursued this line of questioning, giving deference to Loures' opinions and focused on the alcohol consumption of the complainant and not of Loures.
    - a. Investigator: *"Can you expand on this? How could you see that, that she had drunk too much? How was she behaving?"*
    - b. Investigator: *"You said you - apparently she had drunk too much. So what was the symptom of being, having drunk too much? You're a doctor."*

- c. Investigator: *“What about, hold on, sorry, did you have drinks as well?”* Loures: *“I had, but nothing - I never go too far.”* Investigator: *“Do you remember how many drinks you had with [complainant]?”* Loures: *“Me? No.... But if I had at this time, if - usually....a glass of is usually sufficient for me.”*
  - d. The final report notes Loures’ testimony about the complainant’s state of mind: *“Dr. Loures...answered... ‘she had drink. I saw that very clear’ ...”*
  - e. The final report includes a quote from an email by a key witness and close colleague of Loures, who speculates, *“She probably under the influence of alcohol...”* Note that this witness claimed not to have spoken to her on the particular evening in question. Investigators return to this later in the report to corroborate speculation by Loures, *“I think she had drunk a little bit too much this night.”*
  - f. The complainant recalled exactly the number of drinks she had consumed, which investigators report, along with the fact that Loures could not remember either the number of drinks he had or the complainant had, although he alleged that she had too many.
  - g. Investigators at no point note that the attempt to discredit the complainant by both Loures and his witness, through implications that the complainant had consumed “too much” alcohol, should be viewed negatively in evaluating the credibility not of the complainant, but of Loures and the witness, given the fraught context of alcohol-related excuses and character assassination in sexual assault allegations.
6. Investigators gave undue weight to some circumstantial details but not others
- a. Investigators spent a large percentage of interview time on confirming the location of a meeting between complainant and Loures and the exact floor on which that meeting took place, as well as on the recollection of which floors Loures, the complainant, and witnesses remembered staying on, noting that Loures remembered the floor he stayed on but the complainant did not.
  - b. However, Loures alleged that he did not know where the conversation preceding the alleged assault took place, and yet insists it was *“at the bar by the pool”* or another on the 3rd floor. He says, *“which floor, in my view, matters.”* Investigators ask: *“Have you been to the top floor?”* Loures: *“No”*. Investigators: *“Never?”* Loures: *“I don’t remember, no, no, I don’t remember.”* The investigation report notes only that Loures *“stated he never went to a bar on the top floor”*, which is where the claimant alleged their meeting took place.
  - c. Although Loures submits evidence that suggests he was *“on the way”* to a dinner at 8.49pm, on the date in question, investigators do not ask about the timing of the meeting both he and the claimant said they had preceding this dinner.

- d. Investigators did not follow up on Loures' location on the evenings in question, by failing to ask key witnesses and to establish an independent timeline of events. Loures gives the names of two colleagues and asks if he should produce a list of witnesses, to which the investigators respond, *"I think at this moment we're fine..."* and Loures responds *"Okay thanks. Better for me."*
  - e. The investigators' summary reports state that a key witness and close colleague of Loures *"confirmed that he and Dr. Loures had dinner together (and in the company of others) every night in Bangkok."* Yet in the first interview with this witness, in January 2017, he stated *"The only day he might not have joined me for dinner would be probably the 8th of May. That was the day I ate at the hotel."* This is the date of the alleged assault. The witness changed his testimony in subsequent communication, but the change does not align with Loures' accounts.
7. Investigators ignored references and signs that Loures was communicating with others about the case, which was prohibited, while focusing on whether the complainant was communicating with others about the case:
- a. Pressing Loures for confirmation of details he had been questioned about in a previous interview, an investigator noted, *"I'm just trying to jog your memory..."* Loures: *"My colleagues do that to me too, already."* Investigators moved on and did not ask what Loures had discussed with colleagues.
  - b. Loures' testimony during interviews noted his respect for the complainant's work: *"I consider her as a professional, very good professional."* Twice, Loures notes, *"She is a pleasant person, I had no problems in the relationship."*
  - c. In later written "clarifications" regarding his interview, the document submitted by Loures states that the complainant was in an *"aggressive search of grade promotion"*, and that *"she has threatened or intimidated [staff] if they did not support her"*.
  - d. The language of the clarifications closely mirrors the testimony of a witness and Loures' close colleague who made character claims that the complainant was *"extremely ambitious...not necessarily matched by work"*, and that *"she wants a promotion, she will do anything to make it happen."*
  - e. Loures notes that this same witness and close colleague had approached him shortly after Loures' March interview to report that a conversation between complainant and another staff member had taken place on the evening in question, at the location in question. Investigators asked, *"did [witness] tell you how he became aware of this conversation..."* but they did not ask Loures or the witness why the witness did not report it directly to investigators instead of discussing with Loures, if the witness believed it was relevant to the case.

- f. The tone, syntax, grammar and style of Loures' interview and his later submitted written "corrections" vary substantially, enough to raise reasonable suspicion that a third party had coached or prepared those remarks for him, in violation of his agreement not to discuss the case. Note, for example, the discrepancy in the following:
    - i. Loures in oral interview: *"I can try to look at the floor plan of the hotel, and then I can go better that would probably help me....If it was not the pool, probably I would say, but in which restaurant where, but these my head. Maybe if I see the floor plan of the hotel, I can do that, I can try to see if it, yes, my colleagues in Bangkok or so, said something to me, I could be more precise in terms of the place."*
    - ii. Loures' written submitted revision: *"I remember sitting for a more private conversation with [complainant] but I don't remember if it was by the pool, in the lobby area or in the lounge which may have been on the 3rd floor."*
8. Investigators ignored interviewees' accounts (including the accused's) that point to the accused's inappropriate behavior towards women, and failed to examine his character.
- a. An interviewee who is a former employee of UNAIDS said this about Loures, *".... But he seems to me to crash into other people's space. He touches women inappropriately all the time, without their invitation, in my view. On a daily basis, you watch him. He does it as a matter of course. I don't know if that's just him being him. Maybe he doesn't mean any of it inappropriately. Maybe, maybe I'm particularly sensitive to it, you know, ..."*
  - b. The same employee mentioned another woman who complained about the way that Loures behaved with her. *"But even I understood that Luiz Loures was a regular sexual predator. And in fact, there was a young woman who stayed with me, who was a partial intern, who was doing contract work, [nationality], who had been held by him – not quite in such an aggressive way, but also had been seriously sort of held by him. I also think, the, it was common, it was common knowledge that he was a predator, like everybody, people laughed about it. ...."*
  - c. A current UNAIDS staff member said this about Loures' interaction with other female colleagues: *"... And I happened to supervise, to have supervised three ladies in my team who all have interaction with Luiz. One is from [nationality]. Her name is [X]. [X] came and report to me strong sexual advance from Luiz."*
  - d. A staff member noted, *"There is an, there is another person who also was reporting to me, who's from [nationality]. Her name is [Y]. And [Y], Luiz is the one who pushed, who insisted that I have [Y] in my team. Me innocently, since I was new in the organization, I took [Y], and later on I realized that they were*



*together. And the third one is [complainant], who reported to me also this event, almost live, in Thailand. And later on I must say that I realized that she was right, because after the incident, everything that was related to [complainant's] work, almost everything, Luiz would try to block it, because Luiz was also my second-level supervisor when I decide on activities for myself and for my staff, activities unrelated to budget... ”*

- e. A staff member said this when asked about Loures' interaction with the complainant. *“I have seen one day a total appropriate and touching in the – now that you're talking about, in the garage of UNAIDS. You know, we have an underground garage. That one I have seen, you know, kind of touch and, too much, that I witness. And I've seen, and that – and I don't remember, but I just remember seeing [complainant] almost like a stone, and Luiz touching her like, “Oh, [complainant's name], how are you doing?” etc., etc. ”*<sup>1</sup>
  - f. Loures himself acknowledged to investigators that he had several relationships in his workplace *“...If I would add something, I have, I have had a couple of relationships between, during this time. Even these people that are in relationships with me, I think I eventually, well, it could even, I need to ask in the end, how, which, if you want a list of the people ...”*
9. Investigators failed to press for specific answers or denials in response to specific allegations of sexual harassment, which complainant had submitted as evidence of a pattern of predatory behaviour by Loures. Investigators disproportionately focused on Loures' perception of his actions rather than his actual actions in evaluating, incorrectly, whether the charge of sexual harassment was founded.
- a. Investigators noted: *“She states that you would look at her chest. She stated that you would...pull her hair, hold her in the neck.”* Loures responded, *“In terms of coming warm to her and kissing her sometimes, hold her hand and so, I don't deny. I don't recall a specific moment...”* Investigators do not pursue a response to the specific allegations.
  - b. Investigators note that [complainant] alleged that Loures touched her inappropriately in a garage, and, as noted above, that a witness had recounted, *“We have an underground garage...I have seen, you know, kind of touch and, too much, that I witness... Luiz touching her...it was for me too affectionate.”* Loures responds *“I don't recall anything special, but I confirm it to you that we greet each other several times.”*
  - c. Investigators asked *“How did [complainant] react to you when you would kiss her “Hello” or touch her or shake her hand or comment on her looks?”* *“You saw no discomfort?”*

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<sup>1</sup> Samb Interview, para 375

- d. Loures responded: *“If your question is, do I shake their hands, and do I kiss their face...probably I do both...That’s my way, you know, with anyone... there is no differentiation...It’s where I come from.”* Investigators then asked where he is from, and did not clarify whether it was in fact his understanding of the WHO policies on sexual harassment that they are flexible based on cultural exceptions and the perception of the accused.
10. Investigators failed to investigate Michel Sidibé for meddling with an ongoing investigation even though he admitted to doing so. The interventions by Sidibé in an ongoing investigation were inappropriate and a clear abuse of his authority. His responses when interviewed make it evident that he was most concerned about saving the reputation of the organization he leads, but investigators failed to pursue this. Instead they focused on whether Sidibé had interfered in the investigation with the knowledge of or at the request of Luiz Loures, which both men denied.
  - a. Sidibé, who received the complaint of sexual assault from the complainant in the first instance in his capacity as Executive Director of UNAIDS, attempted to convince the complainant to settle the claim informally to save the reputation of the organization. *“... I told [complainant], ‘Maybe it would be good if we could, you, me and Luiz, meet to just discuss and see how we can really find a way out without making it a big problem for all the organisation and for the credibility of the organisation, for yourself, for the organisation interest.’ So I remember very well that discussion, but not more than that one.”*
  - b. When asked by investigators to explain the purpose of his proposed discussion among the three of them, Sidibé responded: *“I think for me it was just to make sure that we have a kind of a solution which will really help her, help organization, and make sure that if it’s something she was evolving about, fine; if she was not, she just, I said, ‘Okay, let us leave the investigation going on. And we’ll wait for the investigation result.’ That was clear from my point of view.”*
11. Investigators ignored Sidibé’s admission that he raised the prospect of a promotion for the complainant when asking her to have a discussion with him and Loures about her complaint against Loures. The fact that he tied such a request to the complainant’s promotion only compounds the evidence of a misconduct worthy of a serious separate investigation. Investigators ignored that evidence completely, and Sidibé received no interrogation from investigators for abusing his authority through the offer of a promotion.
  - a. Sidibé said this to investigators: *“..Investigation is going on, but given the fact that we are just having a good meeting, you’re talking about your promotion in*

*the organization, you're doing excellent job, and I'm very happy with your job, I said, 'Maybe it will be good that if it's possible to have a discussion between us, to just understand how that could be evolving different ways.' So, but not more than that... "*

12. Investigators ignored a claim by a former UNAIDS employee that she had reported Loures' inappropriate behavior towards women to Sidibé at her exit interview, but Sidibé shrugged and said there was nothing he could do about it. This shows that Sidibé was aware of Loures' inappropriate behavior towards women prior to receiving the sexual assault complaint from the complainant, but he took no steps to look into that reported pattern of abuse by his Deputy.
  - a. A former employee of UNAIDS said the following to investigators: *"And when I left UNAIDS, at my [e]xit interview, was my, was the Executive Director, and I told him that. I also wrote it down and sent it to him. Unfortunately, I had my computer broken, because a copy of it. He asked me after we spoke to write it down, and my exact words were that your Deputy Director is a sexual predator. Everybody knows it. Everybody understands that, which, and nobody does anything about it."*
  - b. The investigator's only response to the above statement by the interviewee was, *"I see."*
  - c. The investigator asked about Sidibé's response when, during her formal exit interview with Sidibé, the interviewee described Loures' behavior. She responded: *"He kind of shrugged. .... "he said, "what can I do? Is there..." definitely, honestly, and I don't want to drop him in it, but he said, "I know, but what can I do? He's a political appointee; there's nothing I can do about it."*