



28 August 2019

Mr. Atul Khare  
Under-Secretary-General for Operational Support  
United Nations  
New York, New York 10017

Dear Mr. Khare,

As you will recall, we exchanged several letters with you in late 2017 and early 2018 about a troubling report from the UN peacekeeping mission in the Democratic Republic of the Congo (MONUSCO). An international staff member of undisclosed nationality—a UN official—was accused of raping a female child multiple times. Over the course of the [correspondence](#), we sought answers to questions not only about the particulars of the MONUSCO case but also about the UN's policies and procedures for responding to such allegations of sexual abuse by UN personnel.

We were troubled by your unwillingness—and the UN's—to demonstrate the transparency that the Secretary-General has cited as essential to improving the UN's response to sexual abuse within its ranks. We sent you a long list of detailed questions narrowly tailored to avoid compromising active investigations. Our questions went unanswered. Instead, you provided a series of internal rules and regulations that failed to address our requests for information and asserted that the Organization follows a "zero tolerance" policy.

Regarding the case of the international staff member in MONUSCO, you noted in your letter of November 28, 2017: "In accordance with established procedures, allegations of sexual exploitation and abuse implicating United Nations' staff members are referred for investigation to the Office of Internal Oversight Services."

The UN's Conduct and Discipline database reveals that the investigation of the case by the Office of Internal Oversight Services (OIOS) lasted for 220 days. If correct procedures were followed, and the investigation began soon after the allegation was received in November 2017, this means that it would have concluded in June 2018.

"Where an allegation is substantiated," you wrote in your November 28 letter, "the staff member will face disciplinary sanctions under the Organization's legal framework, which may include termination and financial sanctions, which will be applied to the benefit of the Victims' Trust Fund."

The Conduct and Discipline database notes that the allegation of rape was found by OIOS to be "substantiated." The database notes that the international staff member—the rapist—was punished by "dismissal" from the UN "with a fine." May we ask: what was the fine?

The Victims' Trust Fund, as you know, funds community projects within peacekeeping countries but has no requirements in place to ensure that project beneficiaries are victims of sexual exploitation and abuse by UN personnel.

Your letter of November 28 continued: "Further, should a United Nations investigation find credible allegations of criminal conduct by a staff member, the Secretary-General would bring such allegations to the attention of the State of nationality of the staff member concerned. In addition, the Organization's practice is to cooperate with other national authorities, such as the authorities of the State in which the alleged conduct took place."

According to the Conduct and Discipline database, "referral to criminal accountability" is "pending," a word that means "awaiting decision or settlement." The referral has been pending since roughly June 2018. It is well more than a year later; the case is clearly stalled.

The UN has permitted a "substantiated" rapist to escape justice.

As is true in numerous other cases of UN civilian personnel accused of sexual abuse, the UN has decided to treat this grave case as a simple disciplinary violation. An accused rapist was subject to an internal investigation that was hidden from public view. After the UN's internal processes concluded that he had committed rape against a child, he was allowed to resign from the UN with his anonymity intact. He is now free to commit further crimes of sexual violence.

The UN's actions (and inactions) in the MONUSCO case are a shock to the conscience. They affirm our belief that solutions to the UN's sexual abuse crisis that are independent of the Organization are vital and pressing requirements.

The UN Organization must recuse itself from investigating accusations of sexual abuse made against its own personnel and cease from addressing these criminal matters secretly and internally as though they were mere violations of staff rules. We advocate for the creation of a [Special Court Mechanism](#) in peacekeeping countries: an independent judicial body that would be empowered to assess, refer (where applicable), investigate, and prosecute UN personnel who are accused of committing sexual offenses.

This MONUSCO rape case has confirmed our unyielding conviction that a Special Court Mechanism is necessary to ensure access to justice.

In the meantime, we ask for answers on the status of this MONUSCO rapist.

Has this case been referred to criminal authorities? If not, when will it be referred?

Where is he?

Has the UN taken action to ensure that he will not rape again? Again, we fear that transparency is subordinate to secrecy.

Mr. Khare, we await your response.

Sincerely,



Paula Donovan  
Co-Director, AIDS-Free World



Stephen Lewis  
Co-Director, AIDS-Free World

Cc: António Guterres, Secretary-General  
Mr. Miguel de Serpa Soares, Under-Secretary-General  
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