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INVESTIGATION REPORT NO. 17/1119 Bis

ADDENDUM TO REPORT NO. 17/1119
REGARDING ALLEGATION OF SEXUAL ASSAULT AND
SEXUAL HARASSMENT AT UNAIDS

[Case No. 2016/69]

December 2017



**World Health
Organization**

OFFICE OF INTERNAL OVERSIGHT SERVICES

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EXHIBITS:

1. Letter from [REDACTED] to Dr Michel Sidibé, 12 April 2017
2. Email from [REDACTED] to IOS, 28 April 2017
3. Email from [REDACTED] to IOS, 11 July 2017
4. Attachment to [REDACTED]'s email to IOS, 11 July 2017
5. Email from [REDACTED] to IOS, 9 October 2017
6. Transcript of first interview with Dr Sidibé, 20 October 2017
7. Email from Dr Sidibé to IOS, 20 October 2017
8. Transcript of second interview with Dr Sidibé, 20 October 2017
9. Transcript of interview with [REDACTED], 15 November 2017
10. Email from [REDACTED] to IOS, 16 November 2017
11. Transcript of interview with Dr Luiz Loures, 20 November 2017
12. Email correspondence between [REDACTED] and IOS, 6 and 7 November 2017
13. Email correspondence between [REDACTED] and IOS, 7 to 14 November 2017
14. Email from IOS to [REDACTED] 28 November 2017
15. Email from [REDACTED] to IOS, 4 December 2017
16. Email from Dr Loures to IOS, 20 November 2017

List of abbreviations and acronyms

DXD	Deputy Executive Director
EXD	Executive Director
IOS	Office of Internal Oversight Services
LEG	WHO Office of the Legal Counsel
OEX	Office of the Executive Director
UN	United Nations
UNAIDS	The Joint United Nations Programme on HIV/AIDS
WHO	World Health Organization

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I. INTRODUCTION

1. This document is an addendum to IOS Investigation Report No. 17/1119 dated 27 September 2017 and should be read in conjunction with the latter report. The said report concerns an investigation carried out by the Office of Internal Oversight Services (IOS) of allegations made by [REDACTED], [REDACTED] [REDACTED] at the Joint United Nations Programme on HIV/AIDS (UNAIDS), that she was subject to sexual harassment and sexual assault by Dr Luiz Loures, Deputy Executive Director (DXD), Programme Office, UNAIDS.
2. This addendum relates to an allegation made by [REDACTED] for which IOS received information subsequent to the issuance of Report no. 17/1119.
3. Ms Brostrom stated in a document submitted to Dr Michel Sidibé, Executive Director UNAIDS, dated 12 April 2017: *“you have a duty to protect me and other women staff in the organization after he [Dr Loures] has “confessed” to you his assault on me ‘Excusatio non petita accusatio manifesta’ (qui s’excuse, s’accuse) pending the conclusion of the OIS investigation and noting that this is standard practice in most other UN organizations and specialized agencies.”* (**Exhibit 1, Page 1**)
4. On 17 September 2017, IOS asked [REDACTED] to provide any relevant information to support the above allegation by return email.
5. [REDACTED] did not submit her response by return email; therefore IOS finalized Investigation Report No. 17/1119 and forwarded it to Dr Sidibé on 27 September 2017.
6. [REDACTED] subsequently replied to IOS on 9 October 2017 and based on the new information provided by [REDACTED], IOS decided to extend the investigation to include her additional allegation to determine whether the matter may have an impact on the findings in Investigation Report No. 17/1119.

II. OBJECTIVE, SCOPE AND APPROACH

7. The objective of this investigation was to establish the facts and present the evidence gathered in relation to the allegation that Dr Loures “confessed” to Dr Sidibé that he had sexually assaulted [REDACTED].

8. The investigation included a review of relevant documentation and interviews with Dr Sidibé, Dr Loures, and [REDACTED].

III. APPLICABLE LAWS

9. The applicable laws are stated in IOS Investigation Report number 17/1119.

IV. INVESTIGATION OF ALLEGATIONS

10. [REDACTED] stated in a document submitted to Dr Sidibé dated 12 April 2017: “you have a duty to protect me and other women staff in the organization after he [Dr Loures] has “confessed” to you his assault on me *Excusatio non petita accusatio manifesta*’ (qui s’excuse, s’accuse) pending the conclusion of the OIS investigation and noting that this is standard practice in most other UN organizations and specialized agencies”. (Exhibit 1, Page 1).

11. [REDACTED] brought this to the attention of IOS in an email dated 28 April 2017 (Exhibit 2). [REDACTED] reiterated this in an email sent to IOS on 11 July 2017 in which she stated: “On the sidelines of an official visit to Stockholm, Sweden, on 28 March 2017 UNAIDS EXD took me to the side before departing his plane to tell me that Luiz Loures would like to apologize to me for what he has done. He said that he had ‘asked [REDACTED] to speak to me’ and wondered ‘if he had briefed me about their conversation’. He told me to think about it and that he would be supportive of my decision either way.” (Exhibits 3 and 4)

12. On 17 September 2017, IOS asked [REDACTED] to provide information to support the above allegation.

13. [REDACTED] stated in her response to IOS dated 9 October 2017:

“The EXD informed [REDACTED] in March 2017 that Luiz Loures (hereafter “LL”) would like to apologize to me and asked him to relay this to me, and also asked whether I would accept his apology. I did receive a phone call from [REDACTED] immediately informing me of this development. I informed [REDACTED] about this offer on the morning of 26 March 2017 while awaiting the EXD at the VIP area on Arlanda airport.

The EXD took me to the side at the end of his mission to Stockholm, Sweden, 25-28 March 2017 before departing to the airport on 28 March and said, ‘...I do not know if [REDACTED] has already discussed the issue

with you, I asked him to do so. LL Fwould [sic] like to apologize to you for what he has done. You will have my support no matter what but promise me to think about it'. I was very insulted but responded that I would. I immediately informed [REDACTED] for Sweden, who was two meters away from me at the time about the contents of the conversation with the EXD.

In confidence, I informed my manager [REDACTED] about this on 30 March 2017. I also informed the Ombudsman.” (Exhibit 5).

14. Dr Loures was previously interviewed by IOS on 17 March and 12 July 2017. [REDACTED] Chief, Office of Special Initiatives, UNAIDS, was also previously interviewed by IOS on 2 February 2017.

15. In an email dated 13 November 2017, [REDACTED] was asked by IOS to provide specific details in relation to what she had been told regarding Dr Loures reportedly wishing to apologize for, as well as to clarify when the conversation between Dr Sidibé and [REDACTED] reportedly took place (Exhibit 13, Pages 3 and 4).

16. [REDACTED] replied on 14 November 2017 stating that [REDACTED] told her that Dr Sidibé told him: “Luiç would like to apologise to [REDACTED] and to you for what he has done... It was very clear to me from my conversation with [REDACTED] that the apology was about the assault in Thailand... I asked what Michel had said exactly and [REDACTED] said “Luiç would like to apologise to [REDACTED] and to you for what he has done.” (Exhibit 13, Page 1). Furthermore, [REDACTED] indicated that her conversation above with [REDACTED] took place on or about 24 March 2017. In support of her statement, she provided a copy of an email dated 24 March from [REDACTED] to her, whereby [REDACTED] stated: “We need to speak when you have a moment. It is sensitive” (Exhibit 13, Page 15).

17. [REDACTED] added that Dr Sidibé told her on 28 March 2017: “I do not know if [REDACTED] has already discussed the issue with you, I asked him to do so. Luiç would like to apologize to you for what he has done. You will have my support no matter what but promise me to think about it” It was clear to me that it was about the assault in Thailand.” (Exhibit 13, Page 1).

Interview of Dr Sidibé

18. During his first interview with IOS on 20 October 2017, Dr Sidibé stated that Dr Loures had never told him that he wished to apologize to [REDACTED] Dr Sidibé stated: “he never told me

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that” (**Exhibit 6, Paragraph 16**). Dr Sidibé added: “He [Dr Loures] told me clearly that it will be better if we could really make sure that three of us, we could meet to clarify these issues, and not make it a big problems” (**Exhibit 6, Paragraph 16**) and that he (Dr Sidibé) stated to [REDACTED] “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.” (**Exhibit 6, Paragraph 22**).

19. Subsequently, Dr Sidibé stated in an email to IOS dated 20 October 2017: “[REDACTED] and I had brief discussion during my visit to Stockholm 26-28 March 2017 when I thanked and congratulated her for organizing such a successful meeting. I was aware that the investigation had been initiated, having referred [REDACTED]’s allegations to IOS for investigation myself. During our discussion, I asked her if we couldn’t try to meet with Luiz to see if we might be able to find an informal resolution and to move forward. [REDACTED] made it clear that she was not interested in participating in any such efforts. I accepted her decision and indicated that we would await the outcome of the investigation.” (**Exhibit 7**).

20. When IOS asked Dr Sidibé if he had a discussion with [REDACTED] about his [Dr Sidibé’s] discussion with [REDACTED], he stated: “But I probably raised with [REDACTED] the fact that I raised this issue with [REDACTED] in Stockholm, but I never had a discussion with [REDACTED] about Luiz” (**Exhibit 6, Paragraph 46**). Dr Sidibé reconfirmed this statement in his email to IOS dated 20 October 2017 (**Exhibit 7**).

21. In a second interview on 20 October 2017, IOS asked Dr Sidibé to explain the apparent contradiction whereby he first stated that Dr Loures had approached him about the possibility of having a meeting with [REDACTED] and later stated that Dr Loures had not asked or suggested any such discussion. Dr Sidibé reiterated that Dr Loures had not requested such a discussion but he [Dr Sidibé] informed Dr Loures after he had spoken to [REDACTED] that he had asked [REDACTED] if she would be willing to have a discussion and she had declined. Dr Sidibé stated: “He [Dr Loures] never told me “If you can do that for me, if you can go”...when I finished the discussion with [REDACTED] when I came her [Geneva], I said “Luiz I tried to have this possibility...but the lady doesn’t want to go to any other discussion” (**Exhibit 8, Paragraph 10**).

22. When IOS asked Dr Sidibé why he thought that Dr Loures would be willing to have such a discussion when he had not consulted Dr Loures about this before suggesting it to [REDACTED] Dr Sidibé stated: “I was just doing this for the organisation, because when I was there [in the meeting in Stockholm] I saw that [the] meeting went very well [...] I saw her in good mood [...] and said maybe it will be

good to [...] start up this type of process [...] to make sure that we don't go to big thing." (Exhibit 8, Paragraph 12).

23. Dr Sidibé also stated that he never discussed [REDACTED]'s complaint with Dr Loures before the meeting in Stockholm (Exhibit 8, Paragraphs 16-19).

Interview of [REDACTED]

24. IOS interviewed [REDACTED] on 15 November 2017. [REDACTED] stated that Dr Sidibé called him on a date likely to be 24 March 2017 and stated that Dr Loures wished to apologize to [REDACTED] and [REDACTED] "for what he has done to [REDACTED] and I guess to me as well" (Exhibit 9, Paragraph 6 and Exhibit 10).

25. [REDACTED] added that he understood the reason for the apology was Dr Loures' "sexual harassment" of [REDACTED] (Exhibit 9, Paragraph 12).

26. [REDACTED] confirmed that Dr Sidibé called him prior to [REDACTED]'s travel to Stockholm (Exhibit 9, Paragraph 38).

27. [REDACTED] stated he called [REDACTED] the same day and conveyed some elements of his discussion with Dr Sidibé (Exhibit 9, Paragraphs 33 and 34). According to [REDACTED], [REDACTED] was "clearly upset at Michel and at myself and she told me that she would prefer that we talk about my sick father" (Exhibit 9, Paragraph 40). [REDACTED] added that he "told her exactly what Michel told me, which was: [REDACTED] Michel has called me from Guinea, and he would like, he told me that Luiz wanted to apologise from what he has done to you. And he would like to organise an event, a meeting, between the three of you, maybe plus me, for this apology." (Exhibit 9, Paragraph 44).

28. [REDACTED] stated he called Dr Sidibé a few days after Dr Sidibé had spoken to [REDACTED] and advised him that his suggestion "will not work" (Exhibit 9, Paragraph 48).

Interview of Dr Loures

29. During the IOS interview of Dr Loures on 20 November 2017, Dr Loures stated that he did not mention to Dr Sidibé that he wished to apologize to [REDACTED] (Exhibit 11, Paragraphs 4 and 5) and did not mention to Dr Sidibé that he wished to meet with [REDACTED], [REDACTED] and Dr Sidibé (Exhibit 11, Paragraphs 70 and 71).

30. Dr Loures stated that Dr Sidibé told him after he met with [REDACTED] during his travel to Sweden, that Dr Sidibé had “spoken to [REDACTED] about the case [...] to see her views [and] Michel told me that the discussion didn’t go anywhere” (Exhibit 11, Paragraph 11). Dr Loures added: “I think Michel probably approached her in the point of view of see how she was at that time, and if anything more could be done, and so, but I’m just guessing” (Exhibit 11, Paragraph 55). Dr Loures added that he did not ask Dr Sidibé what their discussion was about (Exhibit 11, Paragraphs 68 and 69).

31. Dr Loures added that he had a previous discussion with Dr Sidibé in New York around 8 November 2016 in the presence of Ms Jan Beagle, former Deputy Executive Director (DXD), Management and External Relations, UNAIDS, in which it was decided that an investigation of [REDACTED]’s complaint “was the best course of action” (Exhibit 11, Paragraphs 4, 21, 23 and Exhibit 16).

V. COMMENTS OF COMPLAINANT ON WITNESS STATEMENTS

32. In accordance with IOS investigation procedures, on 6 November 2017, IOS provided [REDACTED] with the transcripts of the two interviews of Dr Sidibé, as well as Dr Sidibé’s email to IOS dated 20 October 2017 (Exhibit 12). Ms Brostrom submitted her comments to IOS on 7 November 2017 (Exhibit 12).

33. [REDACTED] stated the following in her email to IOS dated 7 November 2017: “Michel Sidibé’s statement in relation to our conversation in Stockholm when he requested that I accept Luiz Loures’s apology is simply not true” and “I must once again request that you interview the following witnesses to ascertain the truth of the assertions of myself and the EXD which are contrary, and which to go to a fundamental aspect of your investigation—the apparent admission of guilt by the subject of the investigations, Luiz Loures:

- [REDACTED]: *Contrary to the EXD’s testimony and interview transcript, EXD reached out to [REDACTED] prior to the Stockholm trip, expressly stating that Luiz Loures wishes to apologize to me.*
- [REDACTED]: *I informed him about EXD’s outreach to me prior to the visit to Stockholm at 12:00 of 26 March 2017, in the VIP lounge at Arlanda airport. He was also present and within meters from me when EXD approached me stating that Luiz Loures wished to apologize to me over the incident which was the subject of the IOS investigation. This was outside the press room on Fredsgatan 6 in Stockholm at 15:00 on 28 March 2017, right before EXD departed to head back to Geneva....*

- [REDACTED] I informed [REDACTED] about the conversation I had with EXD on the subject matter immediately upon my return to the office.” (Exhibit 12, Page 1).

34. As noted above, IOS conducted interviews of Dr Sidibé, Dr Loures, and [REDACTED]. This was done on the basis that they would either have direct knowledge of the facts at issue and/or had reportedly participated in the relevant conversations. IOS did not consider it was warranted to interview any individuals who did not have direct knowledge, such as Ms [REDACTED] and [REDACTED], as they were not included in the reported discussions and would be unable to provide a direct account of relevant events or conversations.

35. Similarly, IOS provided [REDACTED] with the transcripts of the interviews of Dr Loures and [REDACTED] on 28 November 2017 (Exhibit 14). [REDACTED] submitted her comments to IOS on 4 December 2017 (Exhibit 15). In her response, [REDACTED] again requested that IOS conduct interviews of [REDACTED] and [REDACTED]. [REDACTED] also highlighted inconsistencies between statements made by Dr Loures and Dr Sidibé (Exhibit 15).

36. [REDACTED] also stated: “EXD has become the facto witness and judge in the current investigation. The ultimate decision will be his in a case in which he has now served as a critical factual witness. This clearly raise a real and serious conflict of interest on his part, as any finding now in my favour would be contrary to his own facts asserted by him in the case as a witness.” [REDACTED] requested that the EXD recuse himself from this matter and that it be escalated to “New York” (outside the subordinate hierarchy of the EXD) (Exhibit 12, Page 2). IOS therefore referred this request to the WHO Office of the Legal Counsel (LEG), for consideration.

Findings

37. [REDACTED] alleged that [REDACTED] advised her that Dr Sidibé told [REDACTED] prior to the visit to Stockholm that Dr Loures wished to apologize to [REDACTED] “for what he has done”. [REDACTED] further alleged that Dr Sidibé told her on 28 March 2017 in Stockholm that Dr Loures wished to apologize to her.

38. IOS also found that the information provided by [REDACTED] is consistent with [REDACTED]’s allegation regarding their recollection of a telephone discussion between

themselves on or around 24 March 2017, that reportedly involved Dr Sidibé informing ██████████ that Dr Loures would like to apologize to ██████████

39. IOS found that the information provided by Dr Sidibé differed from ██████████'s statement, as Dr Sidibé stated that Dr Loures never mentioned to him that he wished to apologize to ██████████. Dr Sidibé rather stated that he [Dr Sidibé] suggested to ██████████ when he raised the matter with her in Stockholm that he, Dr Loures, and ██████████ should meet to "*find an informal resolution and to move forward*".

40. IOS found that the information provided by Dr Sidibé is also inconsistent with information provided by ██████████. Dr Sidibé stated he had a discussion with ██████████ about his conversation with ██████████ in Stockholm - i.e. after this conversation took place - while ██████████ stated that Dr Sidibé called him prior to discussing with ██████████ in Stockholm.

41. In addition, IOS notes that Dr Sidibé stated that he "*never had a discussion with ██████████ about Lmiq*", while ██████████ stated that Dr Sidibé mentioned to him that Dr Loures wished to apologize.

42. IOS found that Dr Loures' statement about what Dr Sidibé reported to him about his meeting with ██████████ in Stockholm, was generally consistent with Dr Sidibé's statement about the discussion, as they both stated that Dr Sidibé informed Dr Loures after he had spoken to ██████████ that he [Dr Sidibé] had asked ██████████ if she would be willing to have a discussion and she had declined.

43. IOS found inconsistency between Dr Sidibé's statement that he never discussed ██████████'s complaint with Dr Loures before the meeting in Stockholm and Dr Loures' statement that he, Dr Sidibé and ██████████ discussed ██████████'s complaint around 8 November 2016.

44. IOS found it perplexing that Dr Sidibé stated he did not seek Dr Loures' agreement for "*informal resolution*" prior to making this suggestion to ██████████

45. IOS also found it perplexing that Dr Loures stated he did not ask Dr Sidibé what he had discussed with ██████████ especially given that Dr Loures had been interviewed as a subject of allegations of sexual harassment and sexual assault approximately one month earlier.

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46. IOS also found it perplexing that Dr Sidibé stated that he approached [REDACTED] in an attempt to seek her agreement to resolve the matter informally, given that Dr Sidibé was aware at the time that the matter was under official investigation by IOS, having referred it to IOS himself in November 2016.

47. Finally, IOS found it perplexing that Dr Sidibé stated that he discussed matters with [REDACTED] after his discussion with [REDACTED] in Stockholm, and after she allegedly indicated that she was not amenable to Dr Sidibé's suggestion, as the purpose of informing [REDACTED] of this conversation after the fact is unclear.

VI. CONCLUSION

48. Notwithstanding the inconsistencies and anomalies in the above findings, IOS concludes that there is insufficient evidence to support the allegation that Dr Loures "confessed" to Dr Sidibé that he had sexually assaulted [REDACTED]. However, IOS found that both [REDACTED] and Dr Sidibé agreed that they had a discussion in Stockholm about the possibility of a resolution concerning the allegations made by her involving Dr Loures.

VII. RECOMMENDATION

49. **In accordance with Paragraph 7.16 of the Policy on the Prevention of Harassment at WHO, IOS recommends that this addendum be reviewed in conjunction with IOS Investigation Report No. 17/1119, with a view to taking appropriate action per Paragraph 7.17 of the Policy. Given that the allegation made by [REDACTED] was found to be unsubstantiated, IOS recommends that this case be closed.**

50. IOS would appreciate being informed of the outcome of the implementation of the above recommendation in due course.

Geneva, 11 December 2017



David Webb
Director
Office of Internal Oversight Services