

STRICTLY CONFIDENTIAL

108. [REDACTED] stated that [REDACTED] had also been in the bar. “[T]he other Deputy and her two staff they were sitting at the total other end. [...] she was sitting at the very opposite, but when they exited they had to go past our table and they noted and said hello, [REDACTED] said hello to Luiz, and they left past us” (Exhibit 20, paragraph 127).

Findings – events leading up to alleged Sexual Assault

109. IOS found that Dr Loures and [REDACTED] stated that they had a discussion during an official UNAIDS reception held on the evening of 8 May 2015 at the Dusit Thani hotel in Bangkok.

110. IOS found that their description of the contents of their discussion differed. [REDACTED] stated the discussion was generally about HIV prevention and provided a detailed account on what was discussed in terms of content. However, Dr Loures stated he could not remember having a discussion with [REDACTED] about this subject and added that he would not have sought [REDACTED]’s advice on the issue, as this was not her area of expertise and he had access to experts on the matter. Dr Loures also stated there was no time for an in-depth discussion about anything.

111. IOS found that while [REDACTED] stated she felt pressured by Dr Loures to leave the reception to go elsewhere with him, Dr Loures stated there had not been any urgency to leave. [REDACTED] stated that Dr Loures had urged her to move the conversation elsewhere, primarily because of decorum that the most senior executives should not be seen to leave the reception last. Dr Loures denied the existence of such protocols in this setting, and denied following such protocols in general.

112. IOS found that [REDACTED] stated that after she and Dr Loures left the reception, they met [REDACTED] and [REDACTED] and Dr Loures told them that he would join them later for dinner as he was going for a drink with [REDACTED] in the meantime. [REDACTED] stated this did not happen; whilst [REDACTED] and Dr Loures stated they did not recall this.

113. IOS found that [REDACTED] stated that [REDACTED] had warned her to be careful after Dr Loures had mentioned to him [REDACTED] and [REDACTED] that he [Dr Loures] would

STRICTLY CONFIDENTIAL

join them shortly for dinner but would have another drink with [REDACTED] first. [REDACTED] stated he did not make this statement.

114. IOS found that [REDACTED] stated that Dr Loures asked her to continue their discussion towards the end of the official reception and that he asked her to go for a drink in a bar situated on a higher floor. [REDACTED] stated that she and Dr Loures took the elevator to the bar.

115. IOS found that Dr Loures stated he could not recall taking the elevator to go up to a bar with [REDACTED] following the official reception. However, he did recall sitting somewhere with [REDACTED] and having a drink after they left the official reception.

116. IOS found that Dr Loures and [REDACTED] both stated that their discussion turned more personal towards the end of their conversation, but their description of the contents differed. [REDACTED] stated that the conversation moved away from work-related issues to a more casual and personal conversation, but her statements did not suggest these topics were particularly confidential.

117. IOS found that Dr Loures stated that [REDACTED] shared with him information that he considered personal and confidential. Dr Loures stated that [REDACTED] had confided in him that she had experienced difficulties remaining emotionally stable. Dr Loures also claimed that [REDACTED] had shared graphic details of her behaviour during sexual acts. IOS found that Dr Loures claimed the statements regarding her sexual behaviour made him uncomfortable, that he had not expected the conversation to take this turn, and that he detached himself. IOS found that Dr Loures denied that he had felt attracted to [REDACTED]

118. [REDACTED] strongly denied that a personal, confidential or emotional conversation took place with Dr Loures.

Locations

119. [REDACTED] stated that she and Dr Loures moved the conversation to another location, i.e. the "lounge bar" (Exhibit 3, paragraph 114). When IOS asked [REDACTED] whether she was referring to the Executive Club Lounge Bar, she stated: "Yes, exactly" (Exhibit 3, paragraph 108). Regarding the exact location of the bar, [REDACTED] stated "And we are now, I can't testify to exactly

STRICTLY CONFIDENTIAL

the number of the floor, but if you imagine, we were like the seventeenth or whatever floor, something like that, you know, whatever the lounge bar is much higher. And I am staying at a much lower floor, and Luiz is staying at a high floor” (Exhibit 3, paragraph 125).

120. [REDACTED] stated that they took an elevator to get to the bar (Exhibit 3, paragraph 110). She stated that the sexual assault occurred in the elevator, after they left the bar: “We about to leave [sic] and we were on different floors. I was on a much lower floor. And so as we were leaving and we were taking the elevator, and it was, I remember it was one of those hotels where there is like many elevators, so you know, I guess we could or we could not, what I realised from the subsequent days, is that you don't have to go into the same elevator. But anyway, we entered into the same elevator, which was the one straight ahead, and then when we were in the elevator, that's when the incident happened” (Exhibit 3, paragraph 131).

121. IOS asked Dr Loures whether he remembered getting into an elevator with [REDACTED]. He answered: “No, I did not go up to – because, I mean, not, if I was in the Executive Floor, if I was in the 3rd floor, I do not go up – I would only go down, because I went to this dinner, and that I recall well” (Exhibit 20, paragraph 597).

122. [REDACTED] stated: “He was going to his room and I was going to my room” (Exhibit 3, paragraph 137). [H]e was at a higher floor than me. So he would be exiting before me (Exhibit 3, paragraph 139). [REDACTED] stated she could not remember exactly what floors their rooms were on: “But I cannot remember because so much time has passed at what floor exactly he was staying and at what floor was the lounge. But it was definitely what happened was that he would exit before me and I do remember that he stayed at a higher floor. But what it was, I can't remember” (Exhibit 3, paragraph 141).

123. [REDACTED] stated in his interview with IOS: [REDACTED] and myself, we were on the same floor. But honestly, I don't remember which floor that was, no” (Exhibit 16, paragraph 181).

124. IOS asked Dr Loures whether he remembered what floor his room was on. He answered: “I think it's 9, it's 9th floor. 9th floor, I think” (Exhibit 20, paragraph 331). When asked whether he had access to the Executive Lounge Bar, Dr Loures stated: “Yes, probably yes” (Exhibit 20, paragraph 349). Dr Loures appeared to remember that the Executive Floor was on the third floor of the hotel “I think there was a place at the 3rd Floor of the Dusithan?” (Exhibit 20, paragraph 339).

STRICTLY CONFIDENTIAL

125. During the interview with Dr Loures, IOS summarized [REDACTED]'s account of events leading up to the alleged sexual assault as follows: "[REDACTED] stated that you two went to the] *Executive Club Lounge, that's for sure, that's her recollection. And the conversation has moved there at your suggestion, to go to a more private place. It was still a public place. It was the Executive Bar Lounge. There were other people there. But it was in a more private setting, so to speak. Yeah? You continued the conversation, [REDACTED] suggested at one point you leave. You exit the bar, take the elevator down. And [REDACTED] stated that you made a sexual advance towards her after leaving the Executive Lounge Bar*" (**Exhibit 20, paragraph 899**). IOS asked Dr Loures whether he remembered this. He answered: "*No- what she means? What is – what is a sexual advance?*" (**Exhibit 20, paragraph 900**). When IOS stated to Dr Loures that he could not remember being in the Executive Club Lounge with [REDACTED] he answered: "*Yeah, but that's what I mean. But if it was a – but I'm not denying either, because I need to visualise. I had the conversation with her. If it was in the bar by the pool, the most likely locations, the bar by the pool, because I know I have been there, you know? Or, the Executive floor, that is in the 3rd floor, because I verified it?*" (**Exhibit 20, paragraph 954**).

126. During [REDACTED]'s second interview, IOS tried to further clarify the location of the bar which she and Dr Loures visited after the reception. When IOS asked [REDACTED] how she knew she was in the Executive Club Lounge Bar, she stated: "*I'm just making the assumption, because it was not open to – you know, it was definitely like a quiet place, it was on the top floor, and from my experience of having sort of, which I assumed he had access to, because he was staying at one of the higher floors, you know, which I think, yes, that I know from my own experience, and travelling with my husband and what have you, and going to, and having lounge access. So definitely, it was not the bar open to the public, because it was a very quiet space*" (**Exhibit 24, paragraph 100**). However, while recollecting the events, she stated: "*Actually you know, maybe it's not now and I'm thinking about it – maybe it's not an Executive Lounge or actually, because the next day or two days after, I went with my friend [REDACTED] there, you know. [...] it was like panoramic windows, kind of small space with you know, tables, seated around one of the bars. But maybe now when you think about it, maybe just had the atmosphere and the ambience and this quietness of the lounge*" (**Exhibit 24, paragraph 102**). When IOS stated that the Executive Club Lounge of the Dusit Thani hotel is located on the third floor [REDACTED] stated: "*No, it's not this one. This one is like on the top floor, you know, you can see all of kind of Bangkok from there*" (**Exhibit 24, paragraph 106**). "*it was definitely on the top floor, because the view was – I remember the view*" (**Exhibit 24, paragraph 108**).

STRICTLY CONFIDENTIAL

127. IOS notes that according to the website of the Dusit Thani Hotel, the hotel has a rooftop bar named “22 Kitchen & Bar”⁹; a Lobby Bar; and several restaurants. The hotel also has Executive Club Rooms, “*which are located on dedicated Club Floors*”¹⁰. “*Dusit Club Privileges*” include access to “*Club Lounge with indoor and outdoor seating areas*”. The website does not specify which floor these club rooms and lounge are located. Enquiries with the hotel identified: “*that the Club Rooms are located on floors 16-19 of the hotel, and that the Club Lounge and Bar is located on the 3rd floor. There is one other bar that is higher up in the hotel, which is the rooftop restaurant and bar, 22 Kitchen & Bar, located on the highest floor of the hotel. The bar of the 22 Kitchen & Bar is in the restaurant area, and not separate.*”

(**Exhibit 22**). IOS notes that the 22 Kitchen & Bar is located at the 22nd floor, as the name suggests.

128. Dr Loures stated he was aware that there was a restaurant or bar on the top floor of the Dusit Thani hotel but denied having been there. He stated: “*I never went, but I remember that there was. Some people told me*”. (**Exhibit 20, paragraph 1003**).

Findings

129. IOS found that while ██████████ recalled his room was on the same floor as ██████████’s room, neither ██████████ nor ██████████ could recall which floor their rooms were on at the Dusit Thani hotel. IOS found that Dr Loures recalled his room had been on the ninth floor of the hotel.

130. IOS found that ██████████ recalled that her discussion with Dr Loures took place on the top floor of the Dusit Thani hotel. IOS further found that there is a Club Lounge and Bar on the third floor of the hotel and another bar and restaurant on the 22nd floor.

131. IOS found that Dr Loures stated he never went to a bar on the top floor of the Dusit Thani hotel. Dr Loures further stated that his discussion with ██████████ may have taken place in a bar near the pool or on the third floor of the hotel.

⁹ <https://www.dusit.com/dusitthani/bangkok/dining/22-kitchen-bar/>

¹⁰ <https://www.dusit.com/dusitthani/bangkok/accommodation/dusit-club-room/>

STRICTLY CONFIDENTIAL

The alleged sexual assault in the elevator

132. [REDACTED] stated that the sexual assault occurred in the elevator, after she and Dr Loures left the bar. She stated: "we entered into the same elevator, which was the one straight ahead, and then when we were in the elevator, that's when the incident happened" (Exhibit 3, paragraph 131).

133. IOS asked Dr Loures whether he could remember entering an elevator that evening. He responded: "No, I don't" "But I'm not saying that I did not, could be, because if that was in the 3rd floor that I will try to be more precise on that, it's normal that I would come down. The 3rd floor to the 1st floor. That takes seconds, not even minutes" (Exhibit 20, paragraph 950). Dr Loures added: "If I was in an elevator with her, and so, I cannot confirm now that I have not been – could be, if I had gone to the 3rd floor. But as I said, I don't recall that" (Exhibit 20, paragraph 956).

134. The actual assault was described by [REDACTED] as follows: "So when we were in the elevator, and it's very, very short period of time, basically he is standing more in the middle of the elevator and then leaning towards the back of the elevator. I am standing on the opposite side of the elevator. You know, you go in, you kind of take sides, and then it was still kind of formal. And then all of a sudden, just before he's, I don't know, I don't want to say whether its minutes or seconds, but just before he is about to [arrive at his floor] (Exhibit 3 and 4, paragraph 145), he basically then comes towards me, and he's quite fast, and he comes towards me and he kisses me, and I am with my back towards the wall of the – you know, I don't know if the elevator is long, but I am on what I would call the short side of the elevator, to the left, and he comes towards me and he basically kisses me and starts touching me, my body, starts touching my breasts and starts kind of feeling me (Exhibit 3, paragraph 145)– [kissing me] on my mouth. And he's touching me, it's kind of quick, you know that somebody is trying to make out with you, you know, it's kind of really, with force and with the body, and is grabbing and these things. And then the elevator, we have arrived, and I am kind of still in shock. I didn't fight, I didn't fight him [with my full force and screaming and banging like one would do if attacked on the street by a stranger (Exhibit 4, paragraph 147), and it kind of happened very quick, and as the elevator arrives, there is a space, there is a space between him and me, and he is leaving, but he is then grabbing, he is grabbing me, to be like, you know, "Come with me now." And I am saying, "Luz, no, I really cannot go, and now I have to go, I have my presentation..." I am still not understanding at that point exactly what is happening. It's kind of are you in while it's happening. And he is pulling my arm to take me out of the elevator and at that point I start feeling like a little bit uncomfortable. That's when I start feeling more uncomfortable. The other part happening in the elevator was kind of quick, but now I'm feeling like he's kind of pulling me with his force, that's when I start feeling a little bit that, you know, kind of panicked. Because now I am, just, it's empty; the doors are open and he [sic] pulling me out of

STRICTLY CONFIDENTIAL

the thing. And even more it's not as offensive, like I just don't feel like what's going to happen. So I am just holding myself back in the elevator, and he's pulling, pulling, and saying, "No, come with me. Me I will... Come with me now, please." And he is trying to plead, like, "Come with me." And then he said, "No. Come on. No, no, no." You know, like trying to kind of... And it's like convincing but firm kind of pulling at the same time. And I am saying, "Please don't do this, Luiz. Please don't to this. I really have to go and work on my presentation." I am still kind of maintaining something professional in that situation, even though I am kind of aware that there is something which is not totally... I am aware that this is getting totally out of hand and it's going quick, and at the same time, I am not finding my way, you know, so I am just saying, "I cannot do this, I don't want to do this, I really have to go, they are waiting for me to work on my presentation, I have to give it in..." these types of situation. And he pulls me out a little bit in the reception, and in the end he lets go, and I just take the elevator and I go to my room" (Exhibit 3, paragraph 147).

135. IOS asked Dr Loures to respond to the quote, above¹¹. He responded: "Absolutely not. It not happened with me" (Exhibit 20, paragraph 904). "But this assault, this is... I'm sorry, this is... this is a false story" (Exhibit 20, paragraph 930)... "it would never be my way. I would never force myself on any woman. I never did, I would never do" (Exhibit 20, paragraph 942)... "I don't even recall the event at issue. [...] I don't recall even elevator" (Exhibit 20, paragraph 946).

136. [REDACTED] stated the elevator stopped at Dr Loures' floor. She stated: "his floor, it was his floor. Because he wanted to make me go into his room on his floor" (Exhibit 3, paragraph 149).

[REDACTED] stated that Dr Loures' intentions were "very clear" (Exhibit 3, paragraph 151). She added: "He was saying, "Oh [REDACTED] you are so... I have desired you for so long, you should go to my room, I want you to join me in my room..." and that he wanted to have intercourse with me. He didn't say intercourse. "Come, I will show you..." these types of things (Exhibit 3, paragraph 153).

137. [REDACTED] further stated: "He didn't say intercourse. He said that he wants me to join his room, yes, to have sex with him. To be honest, I cannot be perfectly sure whether it was an inference or what he said. I am not sure. It went all too fast. And me I was way too focussed on not going anywhere, on holding myself to the elevator. I cannot totally remember what was said, no. I was still in shock" (Exhibit 3, paragraph 157).

¹¹ The quote that was read out to Dr. Loures did not include the first four lines. It started with "And then all of a sudden, just before...until "and I just take the elevator and I go to my room".

STRICTLY CONFIDENTIAL

138. IOS asked Dr Loures whether he made any advances to [REDACTED]. He stated: "No, no" (Exhibit 20, paragraph 940).

139. [REDACTED] stated she resisted Dr Loures: "I resisted him in the elevator because I put my hands against his chest [to defend myself (Exhibit 4, paragraph 159)]" (Exhibit 3, paragraph 159). "I wouldn't say that I really pushed him away. I was just creating some distance" (Exhibit 3, paragraph 169).

140. [REDACTED] was asked whether she had made it clear she did not want to engage with him. She responded: "I certainly feel that had I wanted to be with him, I think that that would have been clear to him, and there was nothing in my action that invited him to do what he did and there was nothing that, you know, it should have been clear to him that I didn't want this" (Exhibit 3, paragraph 170). She added: "[I] Absolutely did not encourage him and absolutely had never encouraged him, absolutely have never felt any attraction or wanting to have anything more than a professional work relationship with him. And really fought for my life for that elevator not to close, and said over and over and over and over that I cannot, I don't want to, please, and these things" (Exhibit 3, paragraph 172).

141. When asked by IOS how the assault ended, [REDACTED] stated: "This has all been very, very fast. What happened was that I was saying no, no, no, and in the end, I really had to like pull, and I think it was a combination of me pulling my arm and going with the elevator closing and him leaving, and then I left. That was it" (Exhibit 3, paragraph 176).

142. When IOS asked if there were any witnesses to the sexual assault, [REDACTED] stated: "No. Not that I am aware of. To be quite honest, my sense is that when you came out of the elevator, there would be a corridor at the back and there was a corridor to the front, and there was a little step area where the incident happened. Certainly inside the elevator, there were no other people there. And on the outside, the only thing I know because I was looking forward, was what was happening in that little step area and as far as I could see. So what would have been, let's say behind me, you know, or what would have been heard in the rooms on the side, in those other rooms, that is a possibility. But I did not see anybody" (Exhibit 3, paragraph 228).

143. At the time of the interview with Dr Loures, IOS had been informed by [REDACTED] that the location of their conversation prior to the alleged sexual assault had been the Executive Club Lounge Bar, which was on the third floor of the hotel. Dr Loures challenged the assault could have occurred in the elevator over a distance of only two floors (from the Executive Club Lounge at the third floor, to the hotel reception area). He stated: "And we do that in two floors, going down to the

STRICTLY CONFIDENTIAL

reception, then walk to the dinner and in the dinner I met all my colleagues and there is...?" (Exhibit 20, paragraph 934).

144. Dr Loures also cast doubt on [REDACTED]'s statement that the assault occurred in an elevator. He stated: *"If I'm going down in the elevator, finish in the reception to grab somebody out of elevator, no. Public space with millions of people. Dusithani is a pretty busy hotel."* (Exhibit 20, paragraph 972). When IOS mentioned to Dr Loures that [REDACTED] stated that the elevator stopped on the floor where his room was located, he reiterated that his room was on the ninth floor of the hotel. Dr Loures stated: *"Oh come on, my room was on the 9th floor"* (Exhibit 20, paragraph 970).

145. IOS tried to determine how the conversation between [REDACTED] and Dr Loures had ended according to Dr Loures. He stated: *"We finish [our drinks], and we left"* (Exhibit 20, paragraph 652). Dr Loures stated he then walked to the restaurant at the pool area for dinner (Exhibit 20, paragraph 659, 663, 667). Dr Loures stated he went *"To the place that I was, walk away to the – I went to the dinner, and she went somewhere else. I don't know where did she go"* (Exhibit 20, paragraph 711). IOS asked Dr Loures whether he offered [REDACTED] any comfort or advice as a result of her confiding in him, when they parted ways. He stated that he could not recall this: *"But if that finish with me giving her a special word of comfort and so, I don't. It's not, it is, probably that's too much detail for me"* (Exhibit 20, paragraph 761). IOS asked where [REDACTED] went after they parted, and whether they went in the same direction. Dr Loures stated: *"I don't know"* (Exhibit 20, paragraph 851).

Findings

146. IOS found that [REDACTED] provided a detailed account of the alleged sexual assault, whilst Dr Loures denied the alleged sexual assault occurred. He also denied any physical contact with [REDACTED] that evening, and he denied making any advances towards [REDACTED].

147. IOS found that [REDACTED] and Dr Loures differed in their accounts on how they parted ways. [REDACTED] claimed Dr Loures had tried to pull her out of the elevator and persuade her to come to his room with him, but she managed to free herself, then the elevator doors closed, and she took the elevator to her room. IOS found that Dr Loures was vague in recalling how they parted ways, other than to say they separated and he went for dinner.

STRICTLY CONFIDENTIAL

148. IOS found there were inconsistencies in [REDACTED]'s recollection of which floor Dr Loures left the elevator. On one occasion she stated it stopped at the reception. She also stated it stopped on the floor where Dr Loures room was located.

149. IOS found that the hotel did not have CCTV footage for the date of the alleged assault. IOS also found that there were no independent witnesses to the alleged incident.

The immediate aftermath

[REDACTED]

150. [REDACTED] stated "I went straight to my room" after the alleged sexual assault (Exhibit 3, paragraph 178). When asked where Dr Loures went after he left the elevator, [REDACTED] stated: "I saw him going down towards his corridor. I assume that, I don't know where he went, but me I assume that he went to his room" (Exhibit 3, paragraph 180).

151. [REDACTED] stated that upon returning to her floor, she first went to see [REDACTED], who had an adjoining room, but when he did not answer, she went to her own room and notified her mother [REDACTED] and a friend, [REDACTED] [REDACTED] [REDACTED] (former employee at [REDACTED] [REDACTED] UNAIDS). [REDACTED] stated: "I just went down to my floor and there was nobody. I was like one and a half metre from the elevator. ...the first thing I did was I went to my colleague [REDACTED] [REDACTED] who had an adjacent room, and I knocked on his room door because I felt that he was there, because he had left the cocktail early and said that he would go to his room and he didn't feel like staying. And that's why I was going to, you know, that was my boss. And so I went to knock on his room and there was nobody there. And then I went back into my room and I tried to call him and he did not answer his phone, and then I called my mother (Exhibit 3, paragraph 186). "After I spoke to my mother, I also called my friend [REDACTED]" (Exhibit 3, paragraph 194).

Interview of [REDACTED]

152. IOS interviewed [REDACTED]'s mother, [REDACTED] on 28 February 2017. [REDACTED] confirmed she received a telephone call from her daughter in May 2015 from Bangkok

STRICTLY CONFIDENTIAL

(Exhibit 14, paragraph 39). ██████ stated: “She told me about the incident, and she was very upset, and she was crying, and she didn’t think that such a thing could happen to her” (Exhibit 14, paragraph 41).

153. ██████ stated: “She told me that she had – the man, senior manager, had told her to go for a drink, then, and then they should talk about his performance, and he would like her to help him. And she got to the elevator. When she come to the elevators, then he pushed her to the walls, and kissed her, and it was shock because he had his tongue in her month, and touched her on her breasts, and then she was very upset and tried to pull him, but it’s not so easy when you’re afraid, and so – and when they come out to the elevator, I think it was, they go to his flat, and he pulled her to his room, but she didn’t want to do that. And she – she’s felt shocked because she’s not used to, that a man, and a senior manager, do things, such things to an employer” (Exhibit 14, paragraph 43). ██████ stated the man was: “his name was Luiz” (Exhibit 14, paragraph 45).

154. ██████ stated she advised her daughter to report the events. However, ██████ allegedly responded that she was afraid to lose her job. According to ██████, ██████ stated: “I’m afraid of my job, Mummy. I can’t do things like that” (Exhibit 14, paragraph 87).

155. IOS asked Dr Loures to respond to the above quotes. He responded by suggesting that while ██████ stated she was afraid of losing her job, the filing of a formal complaint might have been motivated by her ambition for a promotion and she might not be easily dismissed if she made a formal complaint. Dr Loures stated: “Or ██████ [...] in terms of losing job, it could be the reverse, you know what I mean?” (Exhibit 20, paragraph 1177). “She was looking for a promotion, like everybody knows. She’s extremely ambitious – everybody knows, and she differentiate herself as somebody that’s very pushy in that area” (Exhibit 20, paragraph 1179). “Report can be in your favour. She can use that and say, “Look,” and she knew that you are going to enter an organisation, that people would be fired and so. If the allegation say, “Look, yeah, I didn’t report, because I can lose the job,” it would be the reverse. If I report, I get the job. And to me, this is one of the points” (Exhibit 20, paragraph 1181). “[N]obody can touch you, first of all. In the same way that the organisation would say, “I fire you,” because we don’t want this case. The organisation could come and say, “Yes, now you have something – we need to support and to keep you,” and so and so” (Exhibit 20, paragraph 1185).

Interview of ██████

156. ██████ ██████’s former colleague and friend, was interviewed by IOS on 6 February 2017. ██████ confirmed she received a telephone call from ██████ in

STRICTLY CONFIDENTIAL

May 2015. She described [REDACTED]'s emotional state when she called as follows: *"She was in a real state. She was very distressed. She said that she had been sexually assaulted by Luiz Loures"* (Exhibit 10, paragraph 45). *"She was distressed. She was really distressed. She was very agitated. She clearly didn't know what to do. I felt which, I felt afraid, because she, I, well, I was afraid that she would be isolated, and I don't think she had any – I was afraid that she would have no support, and she was scared. She was anxious"* (Exhibit 10, paragraph 47).

157. [REDACTED] added: *"[T]he gist of it was that they had been down in a bar with a bunch of other people from the conference. There was a conference happening, and they'd all been down there together. Other staff members as well as [REDACTED]. And Luiz I think had asked her to go for dinner or something like that, and she said no. She was, you know, busy, or you know, she had things to go, because she's – things she'd know about, [REDACTED] so she is a real workaholic, she really does work really well in this particular institution so that she, she's a very high achiever for a person. Anyway, so she said she had to do stuff. Her slides weren't good enough. She wanted to go back to her room. And Luiz had said, "Well, you know, at least come for a drink with me?". And I think they had gone to a – I think it might have even been in the same hotel. I don't remember. But another bar, anyway, where they'd had a last drink together. And then they were going in the elevator, and when he, when the elevator doors opened to let him in, because she was in a higher floor than he was, he tried to, he tried to go at – I think he kind of forced himself on her a bit, so just groped her and tried to kiss her and stuff like that, and tried to pull her out of the elevator, as far as I understand it, into, towards his room. As far as I know, she resisted. She was panicked. She went back to her room. She told me afterwards that she called her mum first, and then she called me"* (Exhibit 10, paragraph 49).

158. When Dr Loures was asked to respond to [REDACTED] statements, he stated: *"I think the context will let you... understand better. [REDACTED] left the organisation, not in the best way possible. It was a shock, that there was – I'm sure she had resentment regarding the organisation"* (Exhibit 20, paragraph 1215).

[REDACTED]

159. [REDACTED] stated that after speaking to [REDACTED] and [REDACTED] she left her room and went down to the area where the reception had been held. [REDACTED] stated: *"I went down to the reception, yes. I didn't speak to anybody about this. I stayed in my room very, very briefly, trying to recover. At this point, it's been a while now, because I had first been with my mother on the phone, [REDACTED] didn't know that. Then when I talked to her first I explained to her what has happened, what I had done, what I am doing, what is the situation... By the time she is also calmed down, she says that if I don't want to speak to somebody, at least go*

STRICTLY CONFIDENTIAL

down to be seen in the main hotel, and all of these things. And I went down, and there was a lot of colleagues there, and I joined one of them, I just tried to join a table and then I tried to sit there, and then I felt awkward at one of the people that were there, I can't remember if he was there or if he joined, whatever it was, [REDACTED], you know, who had been for dinner, whose [sic] the [REDACTED] of Luiz, and close friend presumably. He was one of the people. But to be honest, it was a bit of a blur for me, because at this point I am just kind of disturbed" (Exhibit 3, paragraph 204).

160. [REDACTED] also stated that she also tried to borrow a telephone from [REDACTED], a close friend of [REDACTED], to try to reach [REDACTED]. [REDACTED] explained: "And I am just trying to call [REDACTED] many, many, many, many times, and he is not answering, and at one point I actually just asked [REDACTED] who is our Country Director in [REDACTED], if I can borrow her phone because that's what I want, I just want, at this point my only focus is to try to call [REDACTED] and to try to ask him what to do with this. I am feeling a little bit kind of alone, I am just sitting there, I just want to... I had not kind of processed it either. And I feel like I want to speak to him for a number of reasons: because of the maps, you know, the presentation which is still not happening because of... and emotional support, and also because he is close to Michel, like ask him kind of politically what do I do with this kind of... So I ask [REDACTED] to call him with the phone, and she gets hold of him. And then I take the phone and I walk away from the group and I said that he needs to come and that's when I burst out crying. He's upset with me a little bit because I have stayed at this reception long, and I don't want to say exactly where he is but I said he needs to come. I kind of burst. I know for a fact that that some people, that they saw that I cried. I wasn't quiet enough. Even though I walked away, to another adjacent room or whatever, there was a small space between the reception and I tried to take the phone call from there, you know like you do when you borrow somebody's phone, you don't go too far away. But I know for a fact that somebody overheard something there" (Exhibit 3, paragraph 204).

Interview of [REDACTED]

161. When interviewed by IOS, [REDACTED] confirmed that [REDACTED] asked to borrow her telephone at some point, but she could not recall when exactly. [REDACTED] stated: "I don't remember the timing of this situation – but I do recall her asking me to borrow a phone, yes. I remember. But I can't remember the days or all this, you know, whether it was at the beginning or at the end or what preceded it. But I do recall [REDACTED] saying to me, she wanted to borrow my phone. Which, of that I'm fairly sure. I mean, I remember giving her my phone" (Exhibit 15, paragraph 41). "[S]he was trying to reach her boss [REDACTED], and she couldn't" (Exhibit 15, paragraph 43). "[S]he had been trying to call him, but she was not – she wasn't getting through" (Exhibit 15, paragraph 49).

STRICTLY CONFIDENTIAL

162. ██████████ described ██████████'s emotional state as follows: *"She needed to reach him urgently. That much I recall of that. There was urgency around it, because I was with some other colleagues, and actually, it was not during the meeting time, because we were having a drink. You know, we had decided to sit in the hotel reception area to have a drink, so when she came, I really had to stop talking to the others and pay attention, because she looked a little distressed, or stressed or anxious"* (Exhibit 15, paragraph 51). *"And even after she finished using the phone, she still, she looked very distressed. So she gave me back the phone, but she looked physically very distressed"* (Exhibit 15, paragraph 67).

163. When IOS asked Dr Loures whether he remembered leaving ██████████ in an anxious, distressed state, he answered: *"Not at all. Not at all. Not at all. As I said before, she had drink. I saw that very clear. She had shared with me these things, and more in a personal base, but not in a [state]"* (Exhibit 20, paragraph 1055).

Interview of ██████████

164. When interviewed by IOS, ██████████ also confirmed that when she and ██████████ were having a discussion during a reception at the Dusit Thani hotel in Bangkok on 7 May 2015, ██████████ requested to borrow ██████████'s telephone. ██████████ stated that ██████████ was crying: *"And she asked her the phone, she asked for the phone, and she was crying. I remember, because I remember when they both say, she asked for her phone, for the phone of ██████████ and then we heard her crying on the phone"* (Exhibit 9, paragraph 69).

165. ██████████ stated she was aware that ██████████ was calling ██████████. She stated: *"I know she was talking to ██████████ who was her boss at the time"* (Exhibit 9, paragraph 75).

166. ██████████ described ██████████'s emotional state as follows: *"I just remember the crying and that there was like a very, something urgent was going on"* (Exhibit 9, paragraph 81). And *"I remember that she – you know, that's why I remember, probably, is because she came, you know. Otherwise I would not remember, because it was, in a way it was rushing to get the phone, someone stressed out, I would said – yeah, that's all I remember, because of the episode, because it was unusual, let's say. You know, it's not someone who comes, "Can you please give me a phone? I want to make a phone call." You know, it was kind of, you know, so, and then we heard the crying, so that's what we were both saying, that, that's why I remember"* (Exhibit 9, paragraph 159).

STRICTLY CONFIDENTIAL

167. ██████ stated she believed ██████ may have overheard her telephone discussion (Exhibit 3, paragraph 206). ██████ stated: *"I think she overheard because she had later made, I heard through rumours, that she had later made a comment actually questioning what was my relationship with ██████ because I had seemed so desperate to get hold of him that I had cried on the phone"* (Exhibit 3, paragraph 208). ██████ denied she overheard any of the conversation. *"[N]o, I didn't hear the words, I mean, I don't think so, I don't think I've heard any word. Just I remember that we were surprised to hear her crying on the phone. That's all"* (Exhibit 9, paragraph 73).

168. IOS asked Dr Loures to respond to the quote above from ██████ in which she described ██████'s emotional state, which she observed when ██████ asked to borrow ██████'s telephone. Dr Loures did not respond specifically to this quote; he asked for further details of the time of these events (Exhibit 20, paragraph 1076 to 1086).

Interview of ██████

169. When interviewed by IOS, ██████ confirmed that he spoke to ██████ that evening, and that she told him about the alleged sexual assault. He stated: *"I remember being out of the hotel, and receiving few calls from ██████'s telephone. I did not feel like those – she was busy, and I did not take it. And I did not feel like taking a call at that time. I was having massage. I was having dinner in Bangkok. And I receive a call from ██████ who is a very, very good colleague and friend of mine. And I took that call, and it was ██████ who was calling me, using ██████'s phone"* (Exhibit 16, paragraph 139).

170. According to ██████, *"[██████] told me, '██████ I have been trying to see, to talk to you. I tried to call you. I could not get you. That's why. I know that you always take the call of your best friend, and I ask her to loan, to use your phone. That's why. And I'm doing so. I'm this insistent because it's very serious. I need to talk to you'"* (Exhibit 16, paragraph 145).

171. ██████ stated that ██████ eventually *"came back at the hotel, and he came urgently back to the hotel and then I told him everything that happened"* (Exhibit 3, paragraph 214).

172. ██████ stated: *"I think it was a little bit late in the evening, because when she called me, and she told me that she needs to see me and it is very serious, I came into the hotel. I did not find her in the reception as I was*

STRICTLY CONFIDENTIAL

entering in the hotel. [...] I entered in my room, and [REDACTED] come and knock the door. [...] I was slow in responding, and she really bang the door very, very hard and loud. Was quite impressive. For me there was, it was in the hotel, that was fine, so I asked who that person was and she say "It is me." Almost screaming. I opened the door" (Exhibit 16, paragraph 143).

173. When IOS asked [REDACTED] about [REDACTED]'s emotional state, he stated: "clearly was a panic. That's clear to me. I could see, not the composed [REDACTED]" (Exhibit 16, paragraph 149).

174. [REDACTED] stated: "I opened the door, and she was shaking, and I think I have never seen her, and I hope I will never see her. She was shaking very, very much. She sit on the floor and start – she put her knees on the floor, put her face around her head, and bend, and was soaking and soaking and soaking" (Exhibit 16, paragraph 153).

175. [REDACTED] stated that once he managed to calm down [REDACTED] she told him what had happened. [REDACTED] stated: "So it took me some time to make her starting to speak" (Exhibit 16, paragraph 155). "Then she say that he was physically aggressive. Then I say, did she, 'Did you argue and he slap you or whatever you say?' 'No, no, it's worse. You know, he has been trying to [...] sexually abuse me in the elevator.'" And honestly, if I think more, I'm wondering whether she did not tell me that "Luiz was trying to rape me in the elevator" or something like that. I say, "Wow. Now, you sit. You start, you stop crying. You stop screaming. You come down and you tell me what has happened." And then she told me that Luiz has lured her to a bar in the hotel using work as a, work issues on prevention as the entry point for that conversation, and later on in the elevator, tried to assault her. And they fought, kind of fight, because Luiz was trying to drag her into his room, and she fought Luiz and managed to get back to the elevator, and now she is, she is in that state" (Exhibit 16, paragraph 159-161).

176. Further, [REDACTED] stated: "she did say "he has been physically pushing me in the elevator, to abuse me physically with kissing, touching," etc. I ask her whether she has, you know, what he has done. She say, [REDACTED] this was [inaudible] I was in shock, you know. But what I can tell you is that this is way too much, you know, this is inappropriate, etc., I've never experienced this, and I'm crying." It was very, very, very difficult moments for her." (Exhibit 16, paragraph 163).

177. [REDACTED] added: "And she fought. And she fought to stay in the elevator. That's what she told me" (Exhibit 16, paragraph 169).

STRICTLY CONFIDENTIAL

178. Dr Loures was asked to respond to ██████'s account of events. Dr Loures did not respond specifically to ██████'s recollection and instead stated that ██████ did not alter his behaviour towards him. Dr Loures stated: "There was not one single time that I could see from ██████ any kind of change in his behaviour towards me or anything like that" (Exhibit 20, paragraph 1128).

Dr Loures

179. Dr Loures stated that he went for dinner at the hotel on 8 May 2017. He stated: "[I went] to the place that I was, walk away to the – I went to the dinner, and she went somewhere else. (Exhibit 20, paragraph 711). Dr Loures stated "And I went to dinner. And after this dinner, I was in my room, and I had dinner with a number of people, in the hotel itself" (Exhibit 20, paragraph 394). IOS asked Dr Loures who he had dinner with. He answered: "It was – my close people. My issue was with me, there is another colleague of mine that is very close to me, that's ██████ he was with me too" (Exhibit 20, paragraph 394). Dr Loures added "but I can give you a number of people that were also on this dinner, definitely, yes. But I know ██████ was there. ██████ was there. And – but there was more people that was in the hotel, by the pool" (Exhibit 20, paragraph 398). Dr Loures stated that "█████ did not join him for dinner" (Exhibit 20, paragraph 408). Dr Loures also stated the dinner "had taken place at the restaurant of the hotel" at the pool (Exhibit 20, paragraph 1389). He recalled "The dinner was at 8:30" (Exhibit 20, paragraph 1494).

Interview of ██████

180. When interviewed by IOS, ██████ confirmed that he and Dr Loures had dinner together (and in the company of others) every night in Bangkok. ██████ stated: "It is true that on all days, Luiz, I would have been waiting for dinner for Luiz, to take him out for dinner, because I had dinner with him every day.....along with a bunch of four or five other colleagues. There were different colleagues at different points of time, but there were two or three of us who were pretty consistent each day" (Exhibit 12, paragraph 87 and 89). However, further on during the interview, ██████ stated he ate at the hotel on the evening of the 8th of May: "he had dinner with me every day, to the best of my knowledge. The only day he might not have joined me for dinner would be probably the 8th of May" (Exhibit 11, paragraph 93). "Because that day was the day, that was the only day that I didn't eat out. Every other day we went out to eat. That was the day I ate at the hotel" (Exhibit 12, paragraph 95).

STRICTLY CONFIDENTIAL

181. In [REDACTED]'s summary of activities on 7 and 8 May 2015 (**Exhibit 19**), he stated that on the evening of 8 May 2015, "[REDACTED] asks me to join him for dinner at the restaurant in the hotel where he is having dinner with other common friends and colleagues. I join him for dinner along with Luiz" (**Exhibit 19, point 7**).

Interview of [REDACTED]

182. When interviewed by IOS, [REDACTED] stated: "I do recall going out for dinner with Luiz and [REDACTED] plus a few others, on many, many occasions, and practically what happened, if I may explain this, that I ended up being the local guide, because I knew Bangkok, and I was kind of like, asked to accompany him to different places and I ended up being the local guide" (**Exhibit 11, paragraph 59**).

Findings

183. IOS found that [REDACTED] and [REDACTED] stated that [REDACTED] contacted them one evening in May 2015 and that [REDACTED] reported that she had been sexually assaulted by Dr Loures earlier that evening.

184. IOS found that although the accounts differ on some details, [REDACTED], [REDACTED] and [REDACTED] generally concur that [REDACTED] reported to them that she had gone for a drink with Dr Loures and that once they were in an elevator, he pushed her and forced himself on her and tried to kiss her and grope her. They also recounted in similar ways that Dr Loures had tried to pull [REDACTED] from the elevator towards his room and that [REDACTED] had resisted him.

185. IOS found that [REDACTED] and [REDACTED] gave similar descriptions of [REDACTED]'s emotional state. They described her as distressed, crying, and very upset. [REDACTED]'s description of [REDACTED] emotional state and the alleged sexual assault was generally more detailed and descriptive than that of [REDACTED] and [REDACTED].

186. IOS found that [REDACTED] and [REDACTED] stated that [REDACTED] borrowed [REDACTED]'s telephone in the Dusit Thani hotel in Bangkok during the UNAIDS meeting in May 2015 and that [REDACTED] wanted to speak with [REDACTED]. Both [REDACTED] and [REDACTED] observed there had been a sense of urgency shown by [REDACTED] in trying to reach [REDACTED]. They stated they did not know why [REDACTED] wanted to speak with him, but they both

STRICTLY CONFIDENTIAL

described [REDACTED] as upset, crying and distressed. They also stated they did not overhear any of the conversation between [REDACTED] and [REDACTED]

187. IOS found that Dr Loures tried to discredit [REDACTED] when he was asked to respond to quotations from her statement and stated that [REDACTED] felt resentment against UNAIDS because of the way she left the organisation. Regarding [REDACTED], Dr Loures noted that [REDACTED]'s behaviour towards him did not change after the alleged assault.

188. IOS found that [REDACTED] confirmed that Dr Loures had dinner with him on 8 May 2015 at a restaurant in the Dusit Thani hotel. [REDACTED] stated he remembered having dinner with Dr Loures on many occasions, but was not specific regarding the evening of 8 May 2015.

The day following the alleged assault

189. [REDACTED] stated that she saw Dr Loures the next day, when the meetings in Bangkok formally started. She stated that she was working in a large meeting room (where a meeting was ongoing on stage) [REDACTED] stated: “[the people I was with] were all facing the like stage at the front, and then everybody was coming and this was obviously the opening and there was a whole kind of programme running. And me, I am at the very back of the room, so there’s nobody facing my direction except the panellists themselves. But there are other colleagues at the back because they are also charging their laptops?” (**Exhibit 3, paragraph 254**). [REDACTED] stated her laptop was being charged in the back of the room, when Dr Loures approached her. [REDACTED] stated: “The next day, the meeting had started in the morning and I, showing up, I am with [REDACTED] who is my manager, we stayed together, [...]. We were sitting at this table, and at one point because I had not worked on the presentation at all the day before, I now sort of working on my laptop, [...] so my laptop is running out of charge. So the meeting room did not have any patch, because my plan now was not to have any interaction with Luiz whatsoever, you know. It was just to stay away. [...] kind of like my whole purpose that whole day was just to stay away from him and just stick closely to [REDACTED] and to focus on what it is I have to do, and what I am there for, and not draw any attention and just be professional. [...] And my laptop can[’t] be charged at this round table, because the room didn’t have any patch where one can charge. So the only way you can charge is at the back of the room. So I need to – and there at the back of the room is like a free kind of sofa set, and then there’s patches and there’s other colleagues there, you know, one or two sitting there, the ones that need a laptop. And so I go back there and I plug in my laptop and I start looking at my computer and these things. And at one point then Luiz sits down next to me on the sofa. And I had not really seen that coming

STRICTLY CONFIDENTIAL

because I was on my laptop, charging connecting to the network, there was a terrible network, speaking to IT, getting all of these things. I remember that, and you know, and then Luiz comes and sits next to me. And he says to me, "Hi [REDACTED] how are you?" He's very friendly and that makes me uncomfortable; unsettled and uncomfortable. Because the incident which had happened, for me was not normal, was far from normal, was way over trespassing, you know, from a whole lot of boundaries. And so to just kind of, even though I understand that my plan in one hand was to sit and be like nothing has happened, kind of in the work forum, I felt extremely weird that he was trying to pretend that nothing had happened. Because I was kind of pretending to other people, but I would not pretend with him. But he was kind of pretending with me or making up, or trying to cover... I don't know, you know, I was just very uncomfortable that he even approached me" (Exhibit 3, paragraph 248).

190. [REDACTED] stated she responded as follows: "[H]e told me that he tried to call me several times to my room, he told that he tried to get hold of me, that he was worried that I hadn't finished my maps... things like this. And honestly, I could not bring myself to even answer him" (Exhibit 3, paragraph 250). "So actually when he spoke to me I remember very well I sat in the sofa, and he was talking to me for quite a while, I'm just telling you what I can remember, and then in the end I didn't respond, I just looked straight and I couldn't even respond to him. I just froze and I just did not say anything. And that people must have seen because there were was [REDACTED] there" (Exhibit 3, paragraph 252).

191. When IOS asked [REDACTED] whether [REDACTED] might have seen Dr Loures approach her, she answered: "No" (Exhibit 3, paragraph 254).

192. [REDACTED] stated that [REDACTED] might have noticed, but: "he is Luiz's second man. So I don't know if it's appropriate to say this but I don't even know whether it's even worth mentioning him because I don't think if he did see how awkward it was, that he would even validate that" (Exhibit 3, paragraph 256).

193. [REDACTED] described a meeting that included himself, Dr Loures, [REDACTED] and others at the end of the first day, on 9 May 2015. He stated: "Yes, I do. It was not just with him – it was also with other directors of the department, who were supposed to make presentations for the program branch. So it was a meeting that was held to discuss what we'd be presenting" (Exhibit 13, paragraph 32). [REDACTED] stated the meeting was attended by "six – yes, six to seven people probably" (Exhibit 13, paragraph 35). [REDACTED] stated the meeting was said to take "about 30 minutes" (Exhibit 13, paragraph 50). He added: "It was held in one of the meeting spaces where the conference was being organised, and I think we cut ourselves off to a small corner, and it was about, I think we were all sitting on chairs" (Exhibit 13, paragraph 52). [REDACTED] stated that "[REDACTED] had not been

STRICTLY CONFIDENTIAL

invited to the meeting but she attended anyway". (Exhibit 13, paragraph 37-40, and paragraph 45-46).

██████████ stated that other Directors attended including "██████████
██████████ [...]" (Exhibit 13, paragraph 36).

194. Dr Loures confirmed that a meeting took place. Dr Loures stated: "We are all in the meeting the next morning" (Exhibit 20, paragraph 1154). He added: "the next day in the morning, or the next few days, that we are together, the whole time in a meeting, and there was not one single morning that I notice any discomfort" (Exhibit 20, paragraph 1168). When IOS asked Dr Loures again about whether ██████████ showed any discomfort, he responded "No, not at all. I even went to her. That's my point" (Exhibit 20, paragraph 1134). It was not clear from Dr Loures' answer when he spoke with ██████████, and whether this might have been during the panel discussion, or during the meeting where the presentations were discussed.

195. In additional information he sent following his interview, Dr Loures stated: "There was no indication whatsoever of any awkwardness or ill feeling from ██████████ and/or ██████████ against me" (Exhibit 28, page 1). Dr Loures further stated he had received an SMS from ██████████ the morning of the 9th of May, in which ██████████ stated he would be "happy" to meet with Dr Loures and ██████████ (Exhibit 28, page 2).

196. During her second interview with IOS, ██████████ was asked whether she recalled attending the meeting described by ██████████ above. She could not remember clearly. She stated: "Yeah, I think we had about two of, there were two of those meetings. I remember during the course of thing. I can't remember if, I can't even remember if Luiz was there or not. At this point I was work – I remember some people being there, but my sense is not that Luiz was there throughout these meetings. I remember one meeting being a little bit more ad hoc and one being more seated. So maybe you're talking about, now, now, I think you're talking about the second one [...]. And if you're saying dry run, then I know now which one you mean. Yes, but I'm not sure if that was the next day in the morning, though. I can't remember" (Exhibit 24, paragraph 156).

197. ██████████ was asked whether the interaction during the meeting was cordial, or whether there were any tensions. He responded: "No, it was all fun and laughter" (Exhibit 13, paragraph 60). In response to a question on whether ██████████ actively participated in this meeting, he stated: "No, ██████████ spoke. I think he referred to ██████████ once or twice. ██████████ asked one or two questions, I think, and that's, that was it" (Exhibit 13, paragraph 66). Regarding specific interaction between Dr Loures and ██████████ during that meeting, ██████████ stated: "I don't

STRICTLY CONFIDENTIAL

specifically remember whether they had direct conversations, but I think she said something, he said something positive. I mean, there was – it was all fun and laughter there, I mean, fun, laughter and serious work. So there wasn't any – how do I say? – it was, it looked like a normal conversation to all of us. And there was nothing untoward in that whole meeting that stood out” (Exhibit 13, paragraph 70). “She was normal and comfortable” (Exhibit 13, paragraph 72). “She looked normal to me” (Exhibit 13, paragraph 76).

██████████ also added: *“I mean, and you know, I mean, now, and after the meeting also, the, I mean ██████████ Luiz, have had the best of relationships till early last year [2016]” (Exhibit 13, paragraph 86).*

198. During his interview, Dr Loures stated he saw no change in ██████████'s behaviour towards him the following days: *“I met both together, her did the same, no change at all. We spoke during the meeting, several days, normal, huh? I saw her” (Exhibit 20, paragraph 1132).*

199. During her second interview ██████████ stated she could not remember how she felt in relation to the meeting the following day during which the presentations were discussed. When IOS asked her how she had felt, she answered: *“Me? I think, not imagine – I don't know, I can't like, that meeting has not even really stuck in my mind, to be honest. I can't even remember” (Exhibit 24, paragraph 166).*

200. ██████████ stated that ██████████ told him that following the alleged assault, she was apprehensive about attending meetings where Dr Loures was present. However, it is not clear whether he was referring to the meeting they had the morning after the alleged sexual assault, as described above, or in general. ██████████ stated: *“No, it's very, very clear that every time we had to go to a meeting with Luiz Loures and ██████████ was always apprehensive and would tell me “I cannot control my heartbeat when we go to meetings with Luiz. I cannot control it.” That she has told me in several occasion, several, several, several occasion” (Exhibit 16, paragraph 371). “Every time we go to meeting, she said, “Are you sure I should be there? My heart beats too much.” That she said” (Exhibit 16, paragraph 373).*

201. IOS asked ██████████ to describe interactions between ██████████ and Dr Loures in Bangkok. He stated: *“I mean, in public meetings, I've seen ██████████ and - and also during the whole meeting in Bangkok, I really didn't notice anything that was, where you would say, “Okay, something happened here.” Absolutely not” (Exhibit 11, paragraph 105).*

STRICTLY CONFIDENTIAL

202. ██████████ further stated: “during that whole period when we were there, the interactions were on, everybody was in the same room, and we would – I mean, we hadn’t, I mean, I don’t think any of us heard anything, because if we had heard anything we would have certainly heard that, we’d have known, “Okay, this is what has happened.” Or there would have been rumors. I mean, UNAIDS, if I may say, there are usually rumors about everything” (Exhibit 11, paragraph 121).

203. ██████████ stated that the relationship between ██████████ and Dr Loures would appear to be friendly even, at present. He stated: “I’ve been in many meetings that ██████████ has had with Luitz, and you know, they have the best of relationships. I mean, even three weeks ago, no, one month ago, we went to Mali, and you know, we, these guys were like sitting next to each other and laughing and you know? And I was like, looking at them and saying, “Mmm, interesting,” you know? And I left it at that” (Exhibit 13, paragraph 92).

204. During his interview with IOS, Dr Loures stated that ██████████ did not approach him in the days following the alleged sexual assault to confront him. He stated that he would have expected ██████████ to do that, if his girlfriend had been assaulted. Dr Loures stated: “██████████ [...] if something like that happened, you know, at least to me, is my partner, he’s not the boss, he’s the partner. The evidence is here [...]. He’s a partner. If I knew about that, the minimum that I would do, at least me, would be to have a conversation with the person to try to clarify and knowing ██████████, I think he would do this, in my view. You know what I mean? If there was anything concrete on this. You know? That’s very strange, because I’m working closely with him throughout this meeting” (Exhibit 20, paragraph 1134). IOS asked ██████████ whether he had confronted Dr Loures about the allegations made by ██████████ ██████████ responded “I wrote to him” (Exhibit 16, paragraph 337), “That was recently. That was recent. That was few months ago I wrote to him.” (Exhibit 16, paragraph 339), “I wrote to him and told him that he, you know, he has assaulted ██████████. And I copied the Executive Director on that one even” (Exhibit 16, paragraph 341). IOS notes that this appears to be an email from ██████████ with subject heading “grievances” dated 3 November 2016 (Exhibit 2). IOS further notes that this correspondence is dated 18 months after the alleged assault.

205. Dr Loures also stated he would have expected ██████████ to at least alert Dr Sidibé. Dr Loures stated: “The fact that ██████████ did not come to me, did not show anything, didn’t come to Michel, ██████████ is that close to Michel, or even more than to me” (Exhibit 20, paragraph 1189).

STRICTLY CONFIDENTIAL

Findings

206. IOS found that [REDACTED] stated that she saw Dr Loures the next day during a meeting, where he approached her while she was working in the back of a room while a panel discussion was ongoing at the front of the room, on stage. Dr Loures confirmed that they met the next morning, but offered no details of the environment in which they met. [REDACTED] recalled that [REDACTED] [REDACTED], Dr Loures and other Directors gathered for a meeting the next day to discuss presentations. [REDACTED] noted that [REDACTED] had not been invited, but she attended the meeting anyway. [REDACTED] could not recall details of the meeting during which the presentations were discussed.

207. IOS found that [REDACTED] and [REDACTED] stated they did not note any change in behaviour by [REDACTED] on 9 May 2015. [REDACTED] stated she felt very uncomfortable being in the presence of Dr Loures, but did not speak up. Dr Loures stated he saw no change in [REDACTED]'s behaviour towards him. [REDACTED] stated he had not seen anything that might have suggested anything happened between Dr Loures and [REDACTED]. [REDACTED] stated the meeting had been cheerful and positive. He described [REDACTED]'s behaviour as normal and comfortable. Further, he noted that the relationship between Dr Loures and [REDACTED] and [REDACTED] had started to deteriorate only in 2016, rather than following the alleged sexual assault in May 2015.

208. IOS found that [REDACTED] stated he first raised concerns with Dr Loures about the alleged sexual assault approximately eighteen months after it had been reported to him.

Submission of formal complaint, and timing

209. According to [REDACTED] she had been advised by [REDACTED] and [REDACTED] in the immediate aftermath of the alleged sexual assault to report it to Dr Sidibé (**Exhibit 3, paragraph 200 and paragraph 216**) [REDACTED] stated that [REDACTED] had said to her: *"Well you should go and find Michel and you should tell him what has happened?"* (**Exhibit 3, paragraph 200**). According to [REDACTED] [REDACTED] had stated *"His advice and response was also to go and talk to Michel, that I had to talk to Michel"* (**Exhibit 3, paragraph 216**). Later during her interview, [REDACTED] added *"Everybody was advising me, [REDACTED] you have to make a formal complaint, you don't know what will happen,*

STRICTLY CONFIDENTIAL

you will be a liability for him as long as... He is out there, he knows what he had done..." (**Exhibit 3, paragraph 296**).

210. ██████ stated during his interview: "I told her, *'But this is very serious.'*" And she should mention that to Michel Sidibé" (**Exhibit 16, paragraph 161**)... "I asked her to talk to Michel. She said, *'No, I would not do that.'*" I did not insist; I say, *'Then let me speak to Michel.'*" And she told me, *'No, do not do it.'*" Later on, I told her, I advised her to head, I told her that *'You need – this is way too serious, ██████ You cannot just say 'You don't tell, do, you don't say anything to anybody.'*" And she say that she will then consider speaking to the Swedish authority. I understand that she has spoken to the ██████' (**Exhibit 16, paragraph 197**).

211. ██████ stated she had urged ██████ to report it. ██████ stated: *"afterwards [...] I said to her, 'you had to call it', because in Sweden at least, if you have done something like that in Sweden, you can lost your job"* (**Exhibit 14, paragraph 81**). "But", ██████ said: *"she didn't do that. She didn't do that. I know that because she said, 'I'm afraid of my job, Mummy. I can't do things like that. Not – it's not Sweden, you know, so you have to – I don't want to do that just now, I don't."* (**Exhibit 14, paragraph 85-87**).

212. ██████ confirmed she had urged ██████ to inform Dr Sidibé. ██████ stated: *"I thought that she should go and tell Michel Sidibé, the Executive Director, immediately.* (**Exhibit 10, paragraph 51**). *"[B]ut she thought she couldn't do that at that moment in time"* (**Exhibit 10, paragraph 53**). *"I kind of understood why she didn't have faith in the disciplinary system. She felt she couldn't go and tell Michel. She didn't know for sure that she would get supported. And I think she worried that it would adversely impact her career, I suppose"* (**Exhibit 10, paragraph 53**).

213. However, ██████ stated she did not formally report the alleged assault to anyone at the time. During her interview, she explained why she chose not to do so: *"Because I felt that it was a like a combination of things. One, because I wanted to think about what I was doing. I wanted to process what had happened and I wanted to think about what I was doing. I felt that this was a meeting of many senior staff in UNAIDS and I felt that there was many wanting the attention of the Executive Director, and probably that he had, I don't know, you know, his friends or others he also doesn't see so often. And I couldn't think of myself, how I would go to his room and tell him and that would be the centre stage of... and then involving so many UNAIDS staff, and I don't know, I guess I felt the combination of like not feeling ready to do that. It would be too quick. And yes, I was not ready. I was one of the most junior staff attending the retreat, and I don't know, I didn't feel comfortable with all of that. Nor did I discuss it in kind of depth with ██████ because it went to the point that he*

STRICTLY CONFIDENTIAL

was really being quite persuasive in terms of trying to convince me to go straight to Michel, and I did not" (Exhibit 3, paragraph 220).

214. [REDACTED] further stated: "You know, those [formal] conversations, I didn't really have those on the eve when it happened, because I was mostly like, "calm down, are you hurt, how are you". You know what I mean? I was like a different phase on what happened, with people that I trusted that happened after. That was then the process. And Thailand was over and I was really considering whether now is the time when I should really go formal with my complaint, and these things prompting me to do that. And I was really considering it, and then I just... you know, I was... And the people were telling me, "You need to get these things on record." Exactly kind of what you are saying to me now, "You know, you need to get these things on record..." And I think that at the end what I decided to do was that I wanted to tell somebody. I wanted to put it on record. Because I was also very afraid" (Exhibit 3, paragraph 232).

215. [REDACTED] stated that at a later (unspecified) date, she informed "[REDACTED], who was a [REDACTED] government representative, [...] the [REDACTED] the UNAIDS Focal Point" about the alleged sexual assault (Exhibit 3, paragraph 234). [REDACTED] clarified: "She is Head of Department in [REDACTED] (Exhibit 3, paragraph 238). [REDACTED] stated she met with [REDACTED] "during the Board meeting of June 2015 so a few weeks after. And face to face, and I told her what had happened and I asked for her advice. And the same thing, saying to her that I don't... I am not trusting enough in the Organisation to do a formal complaint also because of the level, of Luiz's level within the Organisation. He is Deputy, you know, so I wanted to consult somebody who was not like a colleague and somebody who didn't have any interests and something. So that's when I told her." (Exhibit 3, paragraph 242). [REDACTED] added: "I wanted to speak to [REDACTED] and I wanted to speak to a woman. And my choice was between [REDACTED] who was UNAIDS Focal Point [REDACTED] who was the UNAIDS Focal Point in [REDACTED]. And I was contemplating quite considerably which one I wanted to talk to, and in end I decided to just – you know, knowing that one involved going to the embassy and sitting down and talking, and involved more formalia, I decided the PCB and the reason which I chose this occasion rather than go and sit in the embassy and all of these things was because I felt also very difficult because this is just a few times and I'm still at this point not totally together when it comes to telling the story, with my mother, you know, I'm still upset kind of about it. And then the reason I chose [REDACTED] over [REDACTED] is just because I felt that I had for some reason a closer relationship with her. I just felt more comfortable. It was mostly like a character thing" (Exhibit 3, paragraph 246).

STRICTLY CONFIDENTIAL

216. [REDACTED] stated she also spoke to the Ombudsman ([REDACTED]) about Dr Loures' treatment of her (allegedly blocking her and excluding her). [REDACTED] stated: "I ended up taking all these things to the Ombudsman" (Exhibit 3, paragraph 264).

217. In commentary submitted after reviewing the transcript of her first interview with IOS (Exhibit 7), [REDACTED] stated: "The assault occurred in May 2015 but was only formally reported to the EXD in November 2016. The delay was due to fear of retaliation, fear of lax application of the harassment policy, confidentiality and angering Luiz (my second line supervisor and DXD of the organization) and human resources with a formal complaint. Furthermore, I was aware of other incidents that had occurred with Luiz in the past and that had been brushed under the carpet and evidently not resulted in corrective actions. I did however report the incident immediately to my mother, my best friend and to my first line supervisor" (Exhibit 7, paragraph 1).

218. [REDACTED] explained why she eventually decided to make a formal complaint. She stated: "the reason why I have decided to go from an informal to make this complaint formal is because of two reasons: one is because I was encouraged by the system to do so, you know, indirectly from our Ethics Office, from our Human Resources, and just to say that even though this will be hearsay for you because I don't have anything in writing, just to say that these things are known in the Organisation, but I was to believe that nobody made a formal complaint and that if I don't go formal, they are not able to address it. The second thing, as I said, you know, depending on how long, I am now in a position where I have ambiguity around my current job, because the reason I wanted to go formal is because I felt that, as I did in April, was that I cannot have, I feel extremely apprehensive about the fact that this will be my second line supervisor, and to date, for the record, there is no protection mechanism that has been offered to me, or anything. So making it formal or prior, there has been a discussion that I could be again moved and, but nothing in terms of finding a durable real solution to the problem" (Exhibit 3, paragraph 388).

219. [REDACTED] stated she became aware in "September of October" [2016] that Dr Loures might again become her second level supervisor as a result of a restructuring within UNAIDS that had been ongoing since June 2016 (Exhibit 3, paragraph 30), from "a note from the Executive Director in connection with our restructuring, where he announce[d] that the [REDACTED] that's the entire Unit, would fall under the Programme Branch", issued "probably September or October [2016]" (Exhibit 3, paragraph 392), [REDACTED] explained this would mean that Dr Loures would again become her second level supervisor. In her commentary, [REDACTED] stated she actually became aware of the pending move in August 2016 (Exhibit 7, page 2, paragraph 3).

STRICTLY CONFIDENTIAL

220. [REDACTED] stated she wanted to prevent this because: *"I would be worried that I would find myself in a situation where either he would basically try something with me again, and that he would find... Because at this point, as I told you, the sexual harassment has not stopped. So you know, like he is still touching, he is still "you're pretty", you know. I am just worried that I would be just step into an unknown when it comes to possible new offensives. I was really afraid of that and I really couldn't sleep"* (Exhibit 3, paragraph 322).

221. Dr Loures confirmed in his interview in March 2017 that RMO was moved under his supervision as a result of the restructuring, and that he became [REDACTED] second level supervisor. Dr Loures stated *"But then we did a reorganisation, and the [REDACTED] came to me, for under me now. And she remains there, right? And then technically, now she's back under my branch. You know what I mean? It was like she was there, she was for some time outside my branch, and now back in my branch"* (Exhibit 20, paragraph 100). He added *"We made in theory effective the reorganisation at the beginning of February [2017]"* (Exhibit 20, paragraph 102).

222. [REDACTED] also suggested that the timing of her submission of a formal complaint was related to an email with grievances that [REDACTED] had sent Dr Loures on 3 November 2016. [REDACTED] stated: *"What happened was that [REDACTED] wrote a complaint letter. He wrote a complaint letter to Luiz, with a number of grievances, and one of the last grievances was the assault that he had done towards me in Thailand. So you know, he had linked, he had put a number of issues and he included this in his point of grievances of why he thinks that Luiz's, you know, his leadership is inappropriate I guess"* (Exhibit 3, paragraph 398). The email from [REDACTED] is provided in Exhibit 2.

223. As stated above (in Dr Loures' response to quotes from [REDACTED]s interview), Dr Loures suggested that while [REDACTED] stated she was afraid of losing her job, the submission of a formal complaint might have been motivated by her ambition for a promotion and that she may not be easily separated from UNAIDS following submission of a formal complaint. (Exhibit 20, paragraph 1177, 1179, 1181, 1185).

224. Further, Dr Loures stated that he supported an investigation into allegations of financial irregularities made by an anonymous whistle blower against [REDACTED] and [REDACTED] and that this triggered their grievances and complaint against him. He stated: *"[The sequence] is absolutely essential. There is a causal relationship in my view. The sequence was: the anonymous emails came, with the allegations that I talked to you, okay? I decided, me, to take this all out. I was not too worried about the sexual*

STRICTLY CONFIDENTIAL

thing. I don't care too much, since they're not supervision, that, since there is no conflict of interest. These things happen in organisations, no. But there was mismanagement" (Exhibit 20, paragraph 1816).

225. At a later stage during the interview, IOS summarized the sequence of events as outlined by Dr Loures. IOS stated: "what you're telling us is that what's triggered the complaint is not an alleged incident that did not occur in the hotel, but could be the fact that you requested an investigation into the alleged mismanagement" (Exhibit 20, paragraph 1909). Dr Loures responded: "Yeah, I - that's exactly my point" (Exhibit 20, paragraph 1908), and "Yeah. You are excellent summarising this" (Exhibit 20, paragraph 1910).

226. Dr Loures stated that the sequence of events was significant added that [REDACTED] s motivation for his email titled "Grievance" dated 3 November 2016 was that he was at risk of being demoted at the time. [REDACTED] submitted her complaint on 7 November 2016. Dr Loures stated "you know why this process was triggered only two years after [and not earlier]? Because the sequence, there was all these account, these stories, and then we went in a restructure. [...] then [REDACTED] put his own email on me. [...]. It was not something that come independent. At the time that what happened, they may. He was taking a risk of being demoted on the restructure". (Exhibit 20, paragraph 1910). Dr Loures stated that [REDACTED] had been aware that he was being at risk of being demoted because of a town hall meeting on 31 August 2016. Dr Loures stated: "Yeah, because we are planning to finish with the directorships. And he knew that" (Exhibit 20, paragraph 1914). In additional documentation submitted to IOS by Dr Loures, he wrote: "It was clear from the town hall meeting of the EXD and the staff email of August 31 [...], that the Programme Branch would be restructured into four departments and all small offices would be merged. In addition, it was also clear that there would be two new Directors for the resource mobilization department and for the Fast-track department. This would mean that [REDACTED] and [REDACTED] were to have new supervisors and [REDACTED] s direct reporting line to me would be cut. [REDACTED] s team would be merged in a larger department. At this time it was also not public on which positions would be kept and which would go. This created a lot of insecurity in all staff. Since [REDACTED] did not have good working relationships with the senior staff of Programme Branch, he would have found it very difficult to operate without the freedom he was used to under me. Each part of the organization had to come up with proposals to reduce staff" (Exhibit 28, page 8).

STRICTLY CONFIDENTIAL

Findings

227. IOS found that [REDACTED] had been advised by [REDACTED] and [REDACTED] in the immediate aftermath of the alleged sexual assault on 8 May 2015 to report the incident to Dr Sidibé others. However, she did not submit a formal complaint until 7 November 2016.

228. IOS found that [REDACTED] stated she informed a [REDACTED] government representative about the alleged sexual assault in approximately June 2015 and did so because she had concerns about submission of a formal complaint within UNAIDS given the senior level of Dr Loures.

229. IOS found that [REDACTED] stated that the delay in submission of a formal complaint was due to fear of retaliation; fear that the harassment policy would not be properly applied; and concerns regarding confidentiality and angering Dr Loures and HR.

230. IOS found that [REDACTED] stated that she eventually decided to submit a formal complaint for several reasons, namely HR and (indirectly) the Ethics Office had encouraged her to submit a formal complaint, and she had learned (in September or October 2016) that her department would fall under the management of Dr Loures as a result of a restructuring of UNAIDS and she wanted to avoid that.

231. IOS noted that [REDACTED]'s complaint was submitted shortly after [REDACTED] had made reference to the alleged sexual assault in his email of 3 November 2016 to Dr Loures and others.

232. IOS found that Dr Loures stated that [REDACTED]'s submission of a formal complaint might have been motivated by her ambition for a promotion and that she might not be easily separated from UNAIDS following submission of a formal complaint.

233. IOS found that Dr Loures stated that he supported an investigation into allegations of financial irregularities made by an anonymous whistle blower against [REDACTED] and [REDACTED] and that this triggered their grievances and complaint against him. However, IOS notes that the anonymous emails were sent between February and April 2016, and [REDACTED] was made aware of the allegations in a letter dated 7 March 2016, i.e. eight months prior to submission of his email dated 3 November 2016 and [REDACTED]'s complaint

Overall Findings – allegation of sexual assault

234. IOS found that although [REDACTED] stated in her first interview with IOS that the alleged sexual assault occurred on 7 May 2015, she subsequently stated that it occurred on the evening of Friday 8 May 2015.

235. IOS found that Dr Loures and [REDACTED] stated that they had a discussion during an official UNAIDS reception held on the evening of 8 May 2015 at the Dusit Thani hotel in Bangkok.

236. IOS found that their description of the contents of their discussion differed. [REDACTED] stated the discussion was about HIV prevention. She provided a detailed account on what was discussed in terms of content. However, Dr Loures said he could not remember having a discussion with [REDACTED] about this subject and said that he would not have sought [REDACTED]'s advice on the issue, as this was not her area of expertise and he had access to experts on the matter. Dr Loures also stated there was no time for an in-depth discussion about anything.

237. IOS found that while [REDACTED] stated she felt pressured by Dr Loures to leave the reception to go elsewhere with him, Dr Loures stated there had not been any urgency to leave. [REDACTED] stated that Dr Loures had urged her to move the conversation elsewhere, primarily because of decorum that the most senior executives should not be seen to leave the reception last. Dr Loures denied the existence of such protocols in this setting, and denied following such protocols in general.

238. IOS found that [REDACTED] stated that after she and Dr Loures left the reception, they met [REDACTED] and [REDACTED] and Dr Loures told them that he would join them later for dinner as he was going for a drink with [REDACTED] in the meantime. [REDACTED] stated this did not happen; whilst [REDACTED] and Dr Loures stated they did not recall this.

239. IOS found that [REDACTED] stated that [REDACTED] had warned her to be careful after Dr Loures had mentioned to him [REDACTED] and [REDACTED] that he [Dr Loures] would join them shortly for dinner but would have another drink with [REDACTED] first. [REDACTED] stated he did not make this statement.

STRICTLY CONFIDENTIAL

240. IOS found that [REDACTED] stated that Dr Loures asked her to continue their discussion towards the end of the official reception and that he asked her to go for a drink in a bar situated on a higher floor. [REDACTED] stated that she and Dr Loures took the elevator to the bar.

241. IOS found that Dr Loures stated he could not recall taking the elevator to go up to a bar with [REDACTED] following the official reception. However, he did recall sitting somewhere with [REDACTED] after they left the official reception.

242. IOS found that Dr Loures and [REDACTED] both stated that their discussion turned more personal towards the end of their conversation, but their description of the contents differed. [REDACTED] stated that the conversation moved away from work-related issues to a more casual and personal conversation, but her statements did not suggest these topics were particularly confidential.

243. IOS found that Dr Loures stated that [REDACTED] shared with him information that he considered personal and confidential. Dr Loures stated that [REDACTED] had confided in him that she had experienced difficulties remaining emotionally stable. Dr Loures also claimed that [REDACTED] had shared graphic details of her behaviour during sexual acts. IOS found that Dr Loures claimed the statements regarding her sexual behaviour made him uncomfortable, that he had not expected the conversation to take this turn, and that he detached himself. IOS found that Dr Loures denied that he had felt attracted to [REDACTED]

244. [REDACTED] denied that a personal, confidential or emotional conversation took place with Dr Loures.

245. IOS found that while [REDACTED] recalled his room was on the same floor as [REDACTED]s room, neither [REDACTED] nor [REDACTED] could recall which floor their rooms were on at the Dusit Thani hotel. IOS found that Dr Loures recalled his room had been on the ninth floor of the hotel.

246. IOS found that [REDACTED] recalled that her discussion with Dr Loures took place on the top floor of the Dusit Thani hotel. IOS further found that there is a Club Lounge and Bar on the third floor of the hotel and another bar on the 22nd floor. IOS found that Dr Loures stated he

STRICTLY CONFIDENTIAL

never went to a bar on the top floor of the Dusit Thani hotel. Dr Loures further stated that his discussion with [REDACTED] may have taken place in a bar near the pool or on the third floor of the hotel.

247. IOS found that [REDACTED] provided a detailed account of the alleged sexual assault, whilst Dr Loures denied the alleged sexual assault occurred. He also denied any physical contact with [REDACTED] that evening, and he denied making any advances towards [REDACTED]

248. IOS found that the hotel did not have CCTV footage for the date of the alleged assault. IOS also found that there were no independent witnesses to the alleged incident.

249. IOS found that [REDACTED] and Dr Loures differed in their accounts on how they parted ways. [REDACTED] claimed Dr Loures had tried to pull her out of the elevator and persuade her to come to his room with him, but she managed to free herself, then the elevator doors closed, and she took the elevator to her room. IOS found that Dr Loures was vague in recalling how they parted ways, other than to say they separated and he went for dinner.

250. IOS found there were inconsistencies in [REDACTED]'s recollection of which floor Dr Loures left the elevator on. On one occasion, she stated it stopped at the reception. She also stated it stopped on the floor where Dr Loures room was located.

251. IOS found that [REDACTED] and [REDACTED] stated that [REDACTED] contacted them one evening in May 2015 and that [REDACTED] reported that she had been sexually assaulted by Dr Loures earlier that evening. IOS found that although the accounts differ on some details, [REDACTED] and [REDACTED] generally concur that [REDACTED] reported to them that she had gone for a drink with Dr Loures and that once they were in an elevator, he pushed her and forced himself on her and tried to kiss her and grope her. They also recounted in similar ways [REDACTED]'s claim that Dr Loures had tried to pull [REDACTED] from the elevator towards his room and that [REDACTED] had resisted him.

252. IOS found that [REDACTED], [REDACTED] and [REDACTED] gave similar descriptions of [REDACTED]'s emotional state that evening. They described her as distressed, crying, and very upset. [REDACTED]'s description of [REDACTED]'s emotional state and the alleged sexual assault was generally more detailed and descriptive than that of [REDACTED] and [REDACTED]

STRICTLY CONFIDENTIAL

253. IOS found that [REDACTED] and [REDACTED] stated that [REDACTED] borrowed [REDACTED] telephone in the Dusit Thani hotel in Bangkok during the UNAIDS meeting in May 2015 and that [REDACTED] wanted to speak with [REDACTED]. Both [REDACTED] and [REDACTED] observed there had been a sense of urgency shown by [REDACTED] in trying to reach [REDACTED]. They stated they did not know why [REDACTED] wanted to speak with him, but they both described [REDACTED] as upset, crying and distressed. They also stated they did not overhear any of the conversation between [REDACTED] and [REDACTED].

254. IOS found that Dr Loures tried to discredit [REDACTED] when he was asked to respond to quotations from her statement and stated that [REDACTED] felt resentment against UNAIDS because of the way she left the organisation. Regarding [REDACTED], Dr Loures noted that [REDACTED] behaviour towards him did not change after the alleged assault.

255. IOS found that [REDACTED] confirmed that Dr Loures had dinner with him on 8 May 2015 at a restaurant in the Dusit Thani hotel. [REDACTED] stated he remembered having dinner with Dr Loures on many occasions, but was not specific regarding the evening of 8 May 2015.

256. IOS found that [REDACTED] stated that she saw Dr Loures the next day during a meeting, where he approached her while she was working in the back of a room while a panel discussion was ongoing at the front of the room, on stage. Dr Loures confirmed that they met the next morning, but offered no details of the environment in which they met. [REDACTED] recalled that [REDACTED] [REDACTED] Dr Loures and other Directors gathered for a meeting the next day to discuss presentations. [REDACTED] noted that [REDACTED] had not been invited, but she attended the meeting anyway. [REDACTED] could not recall details of the meeting during which the presentations were discussed.

257. IOS found that [REDACTED] and [REDACTED] stated they did not note any change in behaviour by [REDACTED] on 9 May 2015. [REDACTED] stated she felt very uncomfortable being in the presence of Dr Loures, but did not speak up. Dr Loures stated he saw no change in [REDACTED]'s behaviour towards him. [REDACTED] stated he had not seen anything that might have suggested anything happened between Dr Loures and [REDACTED]. [REDACTED] stated the meeting had been cheerful and positive. He described [REDACTED]'s behaviour as normal and

STRICTLY CONFIDENTIAL

comfortable. Further, he noted that the relationship between Dr Loures and [REDACTED] and [REDACTED] had started to deteriorate only in 2016, rather than following the alleged sexual assault in May 2015.

258. IOS found that [REDACTED] stated he first raised concerns with Dr Loures about the alleged sexual assault approximately eighteen months after it had been reported to him by [REDACTED]

259. IOS found that [REDACTED] had been advised by [REDACTED], [REDACTED] and [REDACTED] in the immediate aftermath of the alleged sexual assault on 8 May 2015 to report the incident to Dr Sidibé. However, she did not submit a formal complaint until 7 November 2016.

260. IOS found that [REDACTED] stated she informed a [REDACTED] government representative about the alleged sexual assault in approximately June 2015 and did so because she had concerns about submission of a formal complaint within UNAIDS given the senior level of Dr Loures.

261. IOS found that [REDACTED] stated that the delay in submission of a formal complaint was due to fear of retaliation; fear that the harassment policy would not be properly applied; and concerns regarding confidentiality and angering Dr Loures and HR.

262. IOS found that [REDACTED] stated that she eventually decided to submit a formal complaint for several reasons, namely HR and (indirectly) the Ethics Office had encouraged her to submit a formal complaint, and she had learned (in September or October 2016) that her department would fall under the management of Dr Loures as a result of a restructuring of UNAIDS and she wanted to avoid that.

263. IOS noted that [REDACTED]'s complaint was submitted shortly after [REDACTED] had made reference to the alleged sexual assault in his email of 3 November 2016 to Dr Loures and others.

264. IOS found that Dr Loures stated that [REDACTED]'s submission of a formal complaint might have been motivated by her ambition for a promotion and that she might not be easily separated from UNAIDS following submission of a formal complaint.

265. IOS found that Dr Loures stated that he supported an investigation into allegations of financial irregularities made by an anonymous whistle blower against [REDACTED] and [REDACTED]

STRICTLY CONFIDENTIAL

and that this triggered their grievances and complaint against him. However, IOS notes that the anonymous emails were sent between February and April 2016, and [REDACTED] was made aware of the allegations in a letter dated 7 March 2016, i.e. eight months prior to submission of his email dated 3 November 2016 and [REDACTED]'s complaint.

266. In summary, IOS found that Dr Loures denied that he assaulted [REDACTED]. His recollection differs from [REDACTED]'s recollection regarding a number of events and locations on the evening of 8 May 2015. IOS found that the most notable difference in their respective recollections revolved around whether, as claimed by Dr Loures, [REDACTED] had discussed details of her intimate sexual behaviour. [REDACTED] denied this discussion took place.

267. In addition, IOS found that [REDACTED] refuted [REDACTED] claims that he [REDACTED] had warned her about Dr Loures that evening and that Dr Loures had spoken with him as he went for a drink with [REDACTED]. Similarly, [REDACTED] could not recall whether Dr Loures had spoken with him as he went for a drink with [REDACTED].

268. IOS found that three witnesses interviewed by IOS affirmed [REDACTED]'s statement that she contacted them soon after the alleged assault. Their accounts of the assault which [REDACTED] had reportedly described to them were similar. They also described [REDACTED] as being very upset.

269. Similarly, IOS found that two other witnesses interviewed by IOS described [REDACTED] as being distressed on the evening of 8 May 2015 but they did not know the reason for this. In addition, [REDACTED] and [REDACTED] stated they did not note any change in behaviour by [REDACTED] when they attended a meeting with her and Dr Loures and others on 9 May 2015.

Conclusion – allegation of sexual assault

270. IOS concludes that there is no evidence to corroborate [REDACTED]'s allegation that she was sexually assaulted by Dr Loures at the Dusit Thani hotel in Bangkok on 8 May 2015.

STRICTLY CONFIDENTIAL

VI. COMMENTS OF COMPLAINANT ON WITNESS STATEMENTS

271. In accordance with IOS investigation procedures, IOS provided [REDACTED] with the statements of Dr Loures and witnesses on 2 August 2017 (Exhibit 31). [REDACTED] submitted her comments to IOS on 6 September 2017 (Exhibit 6).

272. Overall, no new evidence was submitted regarding [REDACTED]'s allegations of sexual assault and sexual harassment.

273. In her comments, [REDACTED] alleged collusion between Dr. Loures and [REDACTED] and between [REDACTED] and [REDACTED] with respect to information which they provided to IOS. However, [REDACTED] did not submit any evidence to support these allegations. (Exhibit 6, pages 1, 11,).

274. [REDACTED] specifically referred to the following statement made by [REDACTED] in his first interview with IOS: *"He [Dr. Loures] basically told me that had no recollection. He said he didn't do it [the alleged sexual assault]. And then he basically said, 'Look, people and I don't know what she's talking about/ and she said, and things, he asked me about the question. He says, 'But I've been with you all the time there'. And I said, 'Yes, you've been over there all the time. Yes, So when?' So I asked him 'When could this have happened?' And he said, 'Well, I don't know.' And then I said, 'Okay, fine'"* (Exhibit 12, paragraph 223). [REDACTED] stated: *"I deny the assertion of the witness and LL confirms later to having met me. Also this shows that they have been discussing this matter between them which is not permitted by IOS. This witness is therefore not objective, honest or credible"* (Exhibit 6, Page 4). However, IOS notes that [REDACTED]'s statement relates to a discussion which took place prior to the interview with IOS.

275. [REDACTED] provided comments on numerous quotes from the interview transcripts of [REDACTED], [REDACTED], [REDACTED] and Dr. Loures and stated that a number of statements made by [REDACTED] and Dr Loures were false. IOS notes that these statements are not directly linked to the allegations of sexual assault and sexual harassment. For example, these statements include, *inter-alia*, statements made by [REDACTED] relating to [REDACTED]'s performance; [REDACTED]' denial that he told [REDACTED] to be careful when she went for a drink with Dr Loures on 8 May 2015; [REDACTED]'s denial that Dr Loures told him he was going for a drink with [REDACTED] on 8 May 2015; Dr Loures' denial that the sexual assault took

STRICTLY CONFIDENTIAL

place; Dr Loures statements about [REDACTED] s motivation for making a complaint against him; and Dr Loures' statement that there was no change in the behaviour of [REDACTED] towards him following the alleged sexual assault (Exhibit 6, pages 2-11).

276. [REDACTED] also objected, *inter-alia*, to Dr Loures statement that she had drank too much alcohol the night before the alleged sexual assault (Exhibit 6, page5) and that she had an intimate relationship with another staff member (Exhibit 6, page 8).

VII. OVERALL CONCLUSIONS

277. IOS concludes that Dr Loures' reported behaviour in kissing and engaging in physical contact with staff may be viewed as inappropriate, especially given his senior position; however, there is insufficient evidence to support [REDACTED] s allegation that she was sexually harassed by Dr Loures.

278. IOS concludes that there is no evidence to corroborate [REDACTED] s allegation that she was sexually assaulted by Dr Loures at the Dusit Thani hotel in Bangkok on 8 May 2015.

VIII. RECOMMENDATIONS

In accordance with Paragraph 7.16 of the Policy on the Prevention of Harassment at WHO, IOS recommends that the Executive Director, UNAIDS, review this report with a view to taking appropriate action per Paragraph 7.17 of the Policy. Given that none of the allegations made by [REDACTED] were found to be substantiated, IOS recommends that this case be closed.

It is recommended that [REDACTED] be reminded to use internal mechanisms for reporting alleged misconduct and other concerns.

STRICTLY CONFIDENTIAL

It is recommended as a preventive measure that Senior Management remind Dr Loures of the Policy on prevention of harassment at WHO and the expected appropriate behaviour of UNAIDS staff and managers, especially with respect towards female colleagues.

Geneva, 27 September 2017



Director

Office of Internal Oversight Services

