

Inga-Britt Ahlenius  
Under-Secretary-General  
for Internal Oversight Services

REF: OUSG-08-288

23 May 2008

Dear Mr. Roth,

This is in response to your letter of 1 May 2008 to the Secretary-General in which you accused OIOS of ignoring, minimizing or shelving allegations against UN peacekeepers by failing to properly investigate such allegations. OIOS categorically and strongly refutes such allegations. I will explain why the accusations are baseless and without merit.

You may wish to also note in this connection that at a press briefing at UNHQ on 28 April 2008, BBC was invited to share with OIOS any newly discovered information that might justify the reopening of the investigation. To date, we have not heard anything from the BBC.

**Allegations against Pakistani peacekeepers**

The allegations against Pakistani peacekeepers were investigated by OIOS diligently and arduously from April 2006 to May 2007. The case file of this investigation contains over 250 documents including records of interviews with 78 witnesses. Among these witnesses was the Human Rights Watch (HRW) staff member, interviewed in May 2006 in London. Notably, OIOS adduced supporting evidence for this witness information and included relevant adverse finding in its final investigation report. As OIOS bases its investigation findings on evidence and not on speculation, only those allegations corroborated were included in the final report.

Among those initially interviewed by OIOS were Messrs. Drati Masasi aka "Dragon" and Mateso Ninga aka "Kung Fu". Each was interviewed separately by OIOS investigators on 19 and 20 July 2006 and again on 12 February 2007. Both stated unequivocally in these interviews that no arms or ammunitions were handed over or traded to FNI by Pakistani peacekeepers and that they never sold or gave gold to any PAKBATT officers. During the course of the investigation, OIOS did not find any witnesses to the alleged "arms for gold" dealings.

Mr. Kenneth Roth  
Executive Director  
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Further, it should be noted that the Congolese Army officer (your witness statement 1), had no direct evidence to support his allegations and referred OIOS investigators to a second FARDC witness who he claimed was the source of the information. OIOS subsequently interviewed the second FARDC witness who shared the concerns of the first officer. However, he was unable to provide any substantive information to support these allegations and appeared to be relying on the information provided by the first FARDC witness.

Please also note that the interpreter (your witness statement 2) was interviewed once again two months after the interview that you have posted. Since his information was not corroborated by witnesses he pointed to (OIOS was not able to locate all witnesses identified), OIOS attempted to obtain more precise details to his allegations. In response, this witness was unable to provide OIOS investigators with the names of any persons who had first hand knowledge of the allegation that weapons had been provided to the militia. He said that he had never seen Pakistanis give any firearms to militia members and that he had never seen “Kung Fu” and “Dragon” in possession of weapons.

Witnesses “Kung Fu” and “Dragon” were subsequently interviewed by BBC, and it was during these interviews in which the subjects depicted a different version of events than what they had previously disclosed to OIOS. As the information disclosed by the subjects was contradictory to the information which had been initially captured by OIOS, OIOS found it necessary to re-interview the above subjects. OIOS has since then carried out a third interview with these two subjects, during which they again categorically refuted that they had traded guns for gold, but also did provide new information which OIOS will follow-up on. This is standard professional investigation practice.

#### **Allegations against Indian peacekeepers**

The “Overview report of allegations of misconduct” which was posted on the HRW website was prepared as the first rough draft in order to decide whether OIOS have adduced sufficient evidence for proceeding with a joint investigation with Indian authorities.

Paragraphs 14-15 of the report the reasons why the examination of all allegations was not possible are highlighted and then in paragraphs 16-22 of the report impediments to investigation are described, such as provision of false or misleading information by interviewees, unwillingness of witnesses to cooperate with OIOS, difficulties in accessing witnesses, adverse security situation, etc. You will also kindly note that paragraphs 21-23 of the report outline five categories that allegations could be grouped under, and paragraphs 25-52 of the report describe six allegations ((a) to (f)) that were, in the preliminary assessment of the investigators that drafted the report, sufficiently credible for a joint investigation.

OIOS applied common quality control procedures to examining and testing whether evidence has been adduced to support each of these six allegations included in the draft overview report. Each allegation was assessed as to whether it was credibly supported by verifiable witness statements, convincingly corroborated by other identifiable witnesses who meaningfully confirmed location, timing and actors involved, whether there is enough evidence to confront subject with, etc.

The outcome was that:

- allegation (a) was found to be supported by credible evidence and was included into the memorandum dated 21 February 2008;
- allegation (b) was found lacking any credible evidence (quantities of rations, quantities of gold, amounts of transactions and their dates, locations, deliveries, identifiable discrepancies between the supply and consumption of the rations);
- allegation (c), while misleadingly entitled as if related to the whole battalion, amounted only to the allegation that one junior NCO purchased two joints of marijuana from a local;
- allegation (d) was found lacking any credible evidence such as time, names, other witnesses (note the language in paragraphs 43 and 44 "witness heard reports"; however was either unable to inform whom he heard the reports from or when pointed to a witness such witness in turn heard these reports from someone else) and lacking any leads with potential investigatory value;
- allegation (e) was found lacking any credible evidence such as time, names, location, quantity of arms and munitions, quantity of ivory, other witnesses, etc.; an attempt to corroborate it through the inspection of flight manifests failed; it was lacking any leads with potential investigatory value; and
- clearly (note the penultimate sentence of paragraph 62), allegation (f) amounted to no misconduct.

In summary, contrary to what was claimed, not a single bit of evidence was maliciously or negligently ignored or suppressed by the management of OIOS. Rather, each and every bit of information was responsibly reviewed and examined with outmost care. As the result, only one out of six allegations was found as credibly substantiated and reported as such in OIOS memorandum of 21 February 2008 (posted on your website). In the same memorandum, OIOS requested that Indian authorities be informed of the corroborated allegation for their appropriate action and that OIOS is available to brief them on all information relevant to this investigation.

In conclusion, I would like to share with you my disappointment that the outstanding reputation of the Human Rights Watch was used to propagate slanderous and baseless accusations against OIOS that were presented as statements of fact. Regrettably, the Human Rights Watch chose not to verify facts with OIOS prior to broadcasting this defamatory information.

I trust that you will take goodwill measures to remedy the harm to OIOS due to this less than responsible choice. I should appreciate your posting this letter alongside with yours at your website.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Inga-Britt Ahlenius', written in a cursive style.

Inga-Britt Ahlenius

Copy to:

Mr. Ban Ki-moon, Secretary-General

Mr. Jean-Marie Guèhenno, Under-Secretary-General for Peacekeeping Operations

Ms. Susana Malcorra, Assistant Secretary-General for Field Support

Mr. Steve Crashaw, HRW representative, New York

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