



**GUIDELINES ON CONDUCTING INVESTIGATIONS
AND PREPARING INVESTIGATION REPORTS**

**Inspector General's Office
Investigation Service**

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1. Introduction

- 1.1 These Guidelines on Conducting Investigations and Preparing Investigation Reports (the Guidelines) are consistent with Article 101, paragraph 3 of the United Nations Charter, the Standards of Conduct for the International Civil Service,¹ the Staff Rules and Staff Regulations of the United Nations² and UN/UNHCR's administrative policies and issuances. The Guidelines are based on existing investigation guidelines used in the UN system and reflect generally accepted investigation standards for international organisations as laid down in the Principles and Guidelines for Investigations, adopted by the 10th Conference of International Investigators.³
- 1.2 The purpose of these Guidelines are to:
- assist in ensuring that investigations by the Inspector General's Office (IGO) are conducted thoroughly, objectively and effectively, in accordance with professional standards and good investigative practice, and that due process is applied and appropriate rights are afforded to all parties involved in an investigation; and
 - explain the investigative process and the roles, rights and obligations of UNHCR staff members as subjects or participants in an investigation.
- 1.3 These Guidelines serve to assist the IGO in the discharge of its responsibilities by indicating some of the factors that may be taken into account when investigating allegations of misconduct. Nothing in these Guidelines limits how the Inspector General may consider and respond to specific allegations. Owing to the scope and complexity of some investigations, flexibility may be required to ensure an investigation is effectively conducted.
- 1.4 These Guidelines will be periodically updated by the IGO to reflect any changes in the legal framework, applicable policies and procedures, and generally accepted investigation standards for international organisations.

2. The investigation function of the Inspector General's Office

- 2.1 The IGO's mandate is laid out in IOM/009/FOM/010 of 07 February 2012 on the role, functions and *modus operandi* of the Inspector General's Office (see Annex 1). The legal basis for the IGO's investigation activities also includes the relevant provisions of the Staff Rules and Staff Regulations of the United Nations together with internal UN/UNHCR policies and procedures, IOM/FOMs, and the privileges and immunities applicable to the United Nations.

¹ Standards of Conduct for the International Civil Service, 2001

² ST/SGB/2011/1 Staff Rules and Staff Regulations of the United Nations; Secretary-General's bulletin, 01 January 2011

³ Principles and Guidelines for Investigations, adopted by the 10th Conference of International Investigators, June 2009

2.2 Staff Rule 1.2 (c) states:

Staff members have the duty to report any breach of the Organisation's regulations and rules to the officials whose responsibility it is to take appropriate action and to cooperate with duly authorized audits and investigations. Staff members shall not be retaliated against for complying with these duties.

2.3 Misconduct is defined in Staff Rule 10.1:

Failure by a staff member to comply with his or her obligations under the Charter of the United Nations, the Staff Regulations and Staff Rules or other relevant administrative issuances, or to observe the standards of conduct expected of an international civil servant may amount to misconduct and may lead to the institution of a disciplinary process and the imposition of disciplinary measures for misconduct.

2.4 The different types of misconduct are listed in IOM/009/FOM/010 of 07 February 2012 on the role, functions and *modus operandi* of the Inspector General's Office (see Annex 1), and the duties, obligations and privileges are outlined in the Staff Rules and Staff Regulations of the United Nations (ST/SGB/2011/1 of 01 January 2011).

2.5 The Investigation Service is the entity within the IGO that is charged with assessing complaints of possible misconduct and conducting investigations. The scope of the IGO's authority includes responsibility for ensuring the investigation of possible misconduct involving any entity or person having a direct contractual link with UNHCR (e.g. staff members, consultants and interns) as well as UNHCR funded projects under agreements with third parties. The personnel who may be subject to investigation under the authority of the IGO are outlined in Annex 2.

2.6 Investigations conducted by the IGO are administrative in nature and are essentially a fact finding exercise undertaken to determine if it is likely or probable that misconduct has occurred. The IGO is the sole entity responsible for conducting investigations of alleged staff misconduct in UNHCR.⁴ In all instances, the IGO retains the prerogative to determine if and when circumstances warrant a formal investigation, and, in conformity with the present document, the appropriate investigative process to be followed.

2.7 The IGO's mandate does not include institution of disciplinary proceedings. Information regarding disciplinary measures and procedures can be found in Chapter X of the Staff Rules and Staff Regulations of the United Nations (ST/SGB/2011/1 of 01 January 2011).

3. Investigation standards

3.1 The Principles and Guidelines for Investigations adopted by the 10th Conference of International Investigators⁵ provide the fundamental standards for investigations and

⁴ In specific cases involving allegations against IGO staff or senior staff within the Executive Office, the United Nations Office of Internal Oversight Services (OIOS) will normally conduct the investigation.

⁵ Principles and Guidelines for Investigations, adopted by the 10th Conference of International Investigators, June 2009

investigators in the United Nations and other international organizations. The basic principles include the following:

- Persons responsible for the conduct of an investigation should maintain objectivity, impartiality and fairness throughout the investigative process and conduct their activities competently and with the highest levels of integrity;
- Investigators shall disclose to the Head of the Investigation Service in a timely manner any actual or potential conflicts of interest. This may be done verbally and/or in writing at any stage throughout an investigation;
- Investigators shall endeavour to maintain confidentiality and if a report of possible misconduct or other information received by the IGO is considered to put a staff member or others at serious risk, the IGO will take steps to alert the appropriate entity;
- Investigative findings should be based on substantiated facts and related analysis, which may include reasonable inferences, but not suppositions or assumptions; and,
- Conclusions should be supported by the investigative findings.

3.2 *Confidentiality*

- 3.2.1 Activities by the IGO with respect to reports of possible misconduct are to be conducted in a confidential manner. Information about an investigation should only be shared with or communicated by the IGO to people who have a legitimate need to know. For this reason, and with respect to the rights of all concerned, complainants, witnesses or others are not entitled to demand information about an investigation, its status or its conclusions.
- 3.2.2 The IGO will take reasonable precautions to protect confidential information obtained in the context of an investigation as well as the identities of the person(s) under investigation, the person who reported the allegation and anyone who provides relevant information or documentation.
- 3.2.3 It should be noted that in many cases the source is also a witness to the alleged misconduct. While the source will not be identified by name as a source, s/he may be identified as a witness.
- 3.2.4 Allegations or evidence of other possible misconduct may be obtained or discovered during the course of an investigation; e.g. by way of witness testimony. The person(s) from whom it is solicited is considered a witness rather than a source. This is, however, without prejudice to the protection from retaliation afforded to individuals who participate in authorized IGO investigations.
- 3.2.5 In certain cases (e.g. harassment, abuse of authority and sexual exploitation and abuse), the identity of the complainant and/or other investigation witnesses may need to be shared with the alleged perpetrator for purposes of due process. The IGO may provide feedback to the alleged victim as it deems appropriate and without prejudice to the rights of others.

- 3.2.6 For legitimate reasons (e.g. to protect the integrity of an investigation and/or the physical safety of a witness or other), the IGO may take steps to protect an individual's identity.
- 3.2.7 Staff members and other personnel who have access to confidential information in the course of an IGO investigation are required to respect confidentiality and not disclose information unless authorised by the IGO. Confidentiality is furthermore protected by an oath signed by all staff working in the IGO as well as by other UNHCR staff members, consultants or any other person whose work or cooperation with the IGO requires access to confidential information (see Annex 3).
- 3.2.8 Individuals who are not contractually bound to UNHCR and who cooperate with IGO investigations, including witnesses who are not staff members, are requested verbally and/or in writing by the IGO to respect the importance of confidentiality.
- 3.2.9 Steps to protect confidentiality are addressed in other sections of these guidelines and in regards to specific investigative activities.

4. Rights and obligations of staff members and other personnel

4.1 *Rights*

4.1.1 During an investigation, UNHCR staff members and other personnel have a right to:

- *A presumption of innocence throughout the investigation;*
- *A professional, impartial and thorough investigation without undue delay; and*
- *Confidentiality in the conduct of the investigation.*

4.1.2 In addition, in order to ensure an effective investigation process, the Subject of the investigation may expect to:

- *be given an explanation of the investigation process;*
- *be given the opportunity to explain his or her conduct, to suggest relevant witnesses and to present relevant information;*
- *have the interview(s) scheduled at a reasonable place and time and to be provided with the name and role of the individual(s) conducting the investigation interview;*
- *be given an opportunity to be accompanied at the interview;*
- *have the assistance of an interpreter during an interview, if required;*
- *be given the opportunity to review the record of interview for correction before signing;*
- *be provided with a copy of the draft investigation report and/or findings and to be given the opportunity to provide comments on the factual findings of the investigation along with any countervailing evidence within a reasonable time; and*
- *have any comments and any countervailing evidence provided taken into consideration by the IGO prior to finalisation of the report and submission to the Director of DHRM*

4.2 *Obligations*

- 4.2.1 As international civil servants, UNHCR staff members are required to adhere to the highest standards of efficiency, competence and integrity. They are obliged to report any breach of UN rules and regulations to those whose responsibility it is to take action.
- 4.2.2 Pursuant to Staff Rule 1.2 (c) and Staff Regulation 1.2 (r), staff members, including investigation Subjects and other participants (e.g. witnesses and resource persons), must cooperate fully and in good faith with a duly authorized IGO investigation. The same obligations apply to other categories of personnel having direct contractual link with UNHCR, including United Nations Volunteers,⁶ consultants, translators and interns.
- 4.2.3 Investigation Subjects and participants shall not interfere with the investigation and shall abstain from withholding, destroying or tampering with evidence, and from influencing, coaching or intimidating the complainant and/or witnesses. Investigation Subjects and participants shall respect the confidential nature of the investigation and the proceedings by exercising utmost discretion. They shall refrain from discussing or disclosing the investigation or their testimony to anyone except the IGO (see also Section 3).
- 4.2.4 A lack of cooperation (including breach of confidentiality) and/or undue interference with the investigation may constitute misconduct, which may result in disciplinary or other appropriate action.

5. **Reporting possible misconduct**

- 5.1 The IGO is accessible to receive reports of possible misconduct 24 hours a day, 7 days a week. A report of possible misconduct may come to the IGO's attention as a complaint, allegation, observation or concern; or through inspection, inquiry, audit or other oversight observations; or through circumstances that tend to indicate wrongdoing (e.g. missing or damaged property) even in the absence of a direct allegation. Reports of possible misconduct can therefore take any form, and can originate from any source (identified or anonymous; including staff members, UNHCR's persons of concern, UNHCR implementing partners, UNHCR's external interlocutors or the general public).
- 5.2 In accordance with Staff Rule 1.2 (c), all staff members have a duty to report instances of misconduct as well as any information that relates to possible misconduct. Staff members who receive information suggesting misconduct by a UNHCR staff member or other personnel with a contractual link to UNHCR have the obligation to provide this information without delay to the IGO.
- 5.3 This duty to report may be subject to specific guidance such as those relating to allegations of Harassment, Sexual Harassment and Abuse of Authority (see IOM/FOM/29/2005).

⁶ In accordance with Conditions of Service for International United Nations Volunteers (2006)

5.4 Allegations of possible misconduct that implicate staff at the IGO or staff at UNHCR's Executive Office, including the High Commissioner, should be communicated to the OIOS at UN Headquarters in New York.

5.5 *How to report possible misconduct*

5.5.1 The IGO can receive reports in a confidential manner in the following ways:

(i) *Email: inspector@unhcr.org*

(ii) *UNHCR website: www.unhcr.org/php/complaints.php*

(iii) *Telephone: +41 22 739 8844*

(iv) *Facsimile: +41 22 739 7380*

(v) *Mail: Head of Investigation Service
Inspector General's Office
UNHCR
94, rue de Montbrillant
1202 Geneva
Switzerland*

(vi) *Directly to an IGO staff member*

5.5.2 When alerting the IGO to situations involving possible staff misconduct, staff members and others are encouraged to provide as much detail as possible, including any supporting documents and/or other relevant facts already available to them. However, steps should not be taken by staff (including managers) or others to investigate the alleged misconduct without first consulting with the IGO on the appropriate procedures and due process considerations.

5.6 *Receipt of reports of possible misconduct*

5.6.1 The IGO will endeavour to acknowledge a complaint of possible misconduct as soon as practically possible after its receipt, and will provide such acknowledgement in writing (except when an allegation is made anonymously and/or no contact information is provided). All reports of possible misconduct will be logged in a confidential IGO register and assigned an identification number.

5.7 *Initial assessment*

5.7.1 Upon receiving a report of possible misconduct, the IGO takes steps to assess the report and determine whether a particular complaint falls within the ambit of the IGO's mandate.

5.7.2 The initial assessment is to determine whether an investigation into reported allegations of misconduct is warranted. The initial assessment is not an investigation and should not normally involve any detailed investigative steps. Accordingly, the IGO will endeavour to limit its inquiries at the initial assessment stage.

- 5.7.3 In exceptional cases, and with the approval of the Head of Investigation Service, the IGO may request others outside the IGO to assist with the initial assessment.
- 5.7.4 The purpose of the initial assessment is to record and establish:
- *How the allegation(s) was reported;*
 - *Who reported the allegation(s), if possible;*
 - *When the allegation(s) was reported (date and time);*
 - *Nature of the allegation(s) (description of alleged misconduct);*
 - *The identity of implicated persons (including individuals who have knowledge of or are involved in the allegation[s]) and their contractual status;*
 - *Whether evidence supporting the allegations, written or electronic, has been made available with the complaint (e-mails, letters, documents, notes from [anonymous] calls etc);*
 - *If any issues require urgent attention; and*
 - *Whether an investigation into the reported allegation of misconduct is warranted.*
- 5.7.5 Following the initial assessment, the Head of Investigation Service will decide whether to open a formal investigation.
- 5.7.6 In the case of a former staff member, and if the alleged misconduct is serious and occurred during the former staff member's service with UNHCR, the IGO may nevertheless pursue the investigation.
- 5.7.7 In circumstances where the IGO receives information about possible misconduct that does not involve persons having a direct contractual link with UNHCR or deployed to UNHCR under agreements with third parties, the IGO's decision to investigate will be guided by the existing agreements with those third parties.
- 5.7.8 If the alleged misconduct implicates a staff member of another UN organization, the IGO will normally refer the report to the appropriate authority in the organization concerned and/or will be guided by any existing agreements with those organisations.
- 5.7.9 If the report of alleged misconduct does not fall within the IGO's mandate or if the allegations would not constitute misconduct (e.g. contractual disputes, performance issues), the IGO will not pursue the matter, but may advise alternative course of action.
- 5.8 *Anonymous reports of possible misconduct*
- 5.8.1 Information received from anonymous sources will be assessed and may lead to an investigation. However, it is important that anonymous reports include sufficient detail so as to allow for independent corroboration of the information reported. If it is not possible to independently corroborate the information provided by the anonymous source, the IGO will not be able to investigate the complaint.
- 5.8.2 When an anonymous complainant provides contact information, for example an e-mail address or telephone number, the IGO will endeavour to acknowledge receipt of the complaint as soon as practically possible. While the IGO will respect the anonymity of the source, s/he will be encouraged to reveal his/her identity owing to the

difficulties assessing anonymous reports and given that in most cases the source may also be a witness to the reported misconduct.

5.9 *Malicious complaints or reports of possible misconduct*

5.9.1 The motives of a complainant are not relevant to the decision to investigate. Nevertheless, where a complainant provides information that he or she knew or should have known was false, the complaint may be considered to be a malicious complaint. In the event that a staff member makes a malicious complaint, the IGO may initiate an investigation of the complainant that could result in charges of misconduct. However, honest mistakes or errors do not constitute misconduct.

5.10 *Optional procedures for reporting allegations of harassment, sexual harassment and abuse of authority*

5.10.1 IOM/FOM/29/2005 of 28 April 2005 and 4 May 2005 sets out “UNHCR’s Policy on Harassment, Sexual Harassment and Abuse of Authority”, and provides that victims (staff and non-staff members) may elect to deal with any complaint or grievance of this nature either through an informal or formal process.

5.10.2 If the complainant does not wish to avail him/herself of the informal process or is not satisfied with the results of the informal process, s/he may initiate a formal process through the submission of a complaint, in any form, to the IGO, which will then follow the procedures established for dealing with allegations of possible misconduct.

5.11 *Specific procedures for reporting allegations of retaliation*

5.11.1 IOM/43/FOM/45/2008 of 15 September 2008 sets out “UNHCR’s policy on protection of individuals against retaliation.” It provides, among other things, that the UNHCR Ethics Office is the body established to receive reports of retaliation against any staff members who have engaged in a protected activity – such as reporting misconduct, providing information in good faith on alleged wrongdoing, or otherwise cooperating with, or participating in, a duly authorized audit, inspection, investigation, inquiry, or activity of the Ombudsman’s Office.

5.11.2 Should the IGO receive a complaint or report of retaliation, it will direct the matter to the UNHCR Ethics Office for initial review. If, in accordance with the above-mentioned IOM/FOM, the Director of the Ethics Office finds that there is a credible case of retaliation, s/he will refer the case to the IGO for investigation.

5.11.3 Should the IGO become aware, in the course of an on-going investigation, that an individual may have been retaliated against or threatened with retaliation for engaging in an activity directly related to the on-going investigation, the IGO will proceed with its investigation keeping the Director of the Ethics Office informed in general terms.

5.11.4 Should the IGO find that retaliation is established, the procedures set out in IOM/43/FOM/45/2008 will be followed.

6. Investigation process

- 6.1 Based on the initial assessment, the Head of Investigation Service will determine whether the opening of an investigation is warranted. The case may be formally opened and an investigation case number assigned.
- 6.2 Investigations are conducted by IGO investigators and/or with the assistance of persons authorized by the IGO. The investigator's role is to obtain and evaluate information and evidence related to the alleged misconduct. It is limited to identifying facts that can substantiate or refute the allegations. The IGO draws conclusions based on the established facts.
- 6.3 Persons who are authorised by the IGO to assist with an investigation are required to sign an Oath of Confidentiality (see Annex 10).
- 6.4 The IGO shall maintain objectivity, impartiality, and fairness throughout the investigative process and conduct its activities competently and with the highest levels of integrity. In particular, the IGO shall perform its duties independently and free from improper influence and fear of retaliation.
- 6.5 The complexity of the matter under investigation and the priority of the case will be determining factors in the conduct and conclusion of an investigation. The IGO's decision will take into account the interests of the Organization, due process for all personnel, the interests of justice as well as the requirements of the system of accountability.
- 6.6 *Investigation plan*
- 6.6.1 Once the IGO decides to conduct an investigation, the investigator assigned to the case will normally prepare an investigation work plan. This plan will help ensure a systematic fact finding process which results in an effective investigation and report.
- 6.6.2 The investigation plan consists of a detailed outline of tasks and timelines for the investigation and includes the following elements (see Annex 4):
- Allegation
 - Applicable legal norms
 - Implicated personnel
 - Work plan steps and timelines
 - Investigative actions
 - Evidence and records preservation and collection
 - Travel and mission plan
 - Resources
 - Risk assessment
- 6.7 *Notification of Subject(s)*
- 6.7.1 An individual who is the Subject of an investigation should normally be informed both verbally and in writing by the IGO that an allegation brought against him/her is being

investigated. This notification will normally take place at the earliest possible time and no later than the Subject's interview.

6.7.2 Situations may prevent advance notification to the Subject prior to his or her interview. Such situations include, but are not limited to the following:

(i) *The evidence (documentary, electronic, physical and/or testimonial) has not been secured (i.e. preserved, collected and/or recorded) and there might be a risk that it could be tampered with and/or the integrity of the investigation could be compromised if the Subject of the investigation is notified; and/or*

(ii) *Safety or security issues exist that would threaten individuals associated with the investigation (e.g. retaliation against the complainant, informant or witness).*

6.7.3 Once these issues are adequately addressed and evidence is seized and fully secured, the staff member can be notified in writing that he or she is the Subject of an investigation (see Subject Notice of Investigation; Annex 5).

6.7.4 In certain cases (e.g. when the allegations are unfounded and the IGO closes the case at preliminary stage) the Subject of the allegations may not receive notification.

6.7.5 If, during the course of the investigation, the IGO discovers new facts giving rise to allegations of wrongdoing on the part of a witness in respect to the matter under investigation, the IGO will notify the witness, as soon as practicable, that he or she has become a Subject of the investigation.

6.7.6 In the event that, in the course of the investigation, additional allegations are raised against the Subject, the IGO will inform the Subject of these new allegations in accordance with these Guidelines. The IGO may decide to open a separate investigation or include them within the current investigation. However, the Subject should be aware that any facts established by the investigation, though not initially raised as part of the original allegations of wrongdoing, may constitute misconduct. The fact that the Subject was not informed of this at the time of investigation cannot be considered a violation of due process provided the Subject is given the opportunity to comment on the facts established by the investigation and the allegations levelled against him or her.

6.8 *Redeployment and administrative leave*

6.8.1 Based on the initial assessment and/or the recommendation of an IGO investigator, and provided an investigation has been initiated by the IGO, the Head of Investigation Service may consider the need for redeploying the Subject of the investigation and/or placing him/her on administrative leave. In such event, the Head of Investigation Service will make a recommendation to the Director of DHRM.

6.8.2 While a staff member who is alleged to have committed misconduct should normally continue her/his official functions pending the outcome of the investigation and possible subsequent administrative measures, circumstances may require that s/he cannot continue exercising the functions. In such cases, the Inspector General can recommend to the Director of DHRM a temporary redeployment of the staff member. It should be noted that this is not a disciplinary measure. If a temporary redeployment

within the same office or operation is not possible or appropriate, and/or the circumstances require restricting the staff member's access to the office, it may be recommended that s/he be temporarily redeployed on mission. The reasons for redeployment should be clearly set out by the Inspector General in each instance.

6.8.3 If redeployment is not possible or appropriate, the Inspector General may recommend to the Director of DHRM the placement of the implicated staff member(s) on administrative leave in accordance with Staff Rule 10.4.⁷ A staff member may be placed on administrative leave, subject to conditions specified by the Secretary-General, at any time pending an investigation until the completion of the disciplinary process. Likewise, this is not a disciplinary measure. Situations where administrative leave may be considered include, for example:

- *There is prima facie evidence that the conduct of the staff member or his/her continued presence on UNHCR premises would pose a danger to other staff members, to UNHCR or to the United Nations.*
- *There is prima facie evidence that continued service by the staff member would create a risk that s/he could destroy, conceal or otherwise tamper with evidence, or interfere in any way with the investigation, including retaliation as elaborated in UNHCR's Policy on Protection of Individuals against Retaliation (Whistle-blower Policy) IOM/43/FOM/45/2008 of 15 September 2008.*

6.8.4 Pursuant to Staff Rule 10.4, placement on administrative leave should not, so far as practicable, exceed three months; and shall be with full pay unless, in exceptional circumstances the Director of DHRM decides, upon the recommendation of the Inspector General, that administrative leave without pay is warranted. Only the Director of DHRM has delegated authority from the High Commissioner to place a staff member on administrative leave.

6.9 *Evidence*

6.9.1 Evidence is any type of proof which tends to establish a fact material to the case. The different types of evidence can be categorized as follows:

(i) *Testimonial evidence*

Testimonial evidence typically includes the recollection of individuals who actually saw an event or have direct knowledge of something relevant to the issue being investigated.

(ii) *Documentary evidence*

This includes correspondence, forms and all information that may be maintained on paper in official archives, as well as external material such as personal letters, business records, etc. Documents and records may exist in physical and/or electronic form.

⁷ Staff Rule 10.4 on "Administrative leave pending investigation and the disciplinary process", ST/AI/371 and ST/AI/371/Amend.1 on "Revised disciplinary measures and procedure".

(iii) *Electronic evidence*

Electronic evidence includes correspondence, forms and all information that may be maintained on paper in official archives, as well as external material such as personal letters, business records, etc. Documents and records may exist in physical and/or electronic form.

(iv) *Physical evidence*

Physical evidence includes equipment, goods and facilities, and any other tangible objects.

(v) *Forensic evidence*

Forensic evidence is a general category that could include fingerprints, Deoxyribonucleic acid (DNA) trace material and even scientific analysis of items to establish certain properties or source. It has, therefore, an element of analysis or interpretation that requires special handling and explanation that physical and even electronic evidence may not.

6.10 *Relevance of evidence*

6.10.1 Evidence should be relevant to the investigation. The evidence should make the existence of any fact that is of consequence to a matter under investigation more probable or less probable than it would be without the evidence. The investigator should establish what evidence is likely to be relevant.

6.11 *Securing evidence*

6.11.1 Securing evidence is an essential component of an investigation and affects the timing of the notification to the Subject. An important consideration during an investigation is when and how to secure evidence. The investigator should try to find a balance between the requirements of discretion and confidentiality and his/her duty to secure the necessary evidence before potential alteration, concealment, damage or destruction. For example, consideration should be given to the following:

- (i) Are the documents, records or other evidence at risk of being altered, concealed, damaged or destroyed?
- (ii) Who has access (including through other people) to key documents, records or other evidence? If so, can anyone alter, conceal damage, delete or destroy these key documents, records or other evidence?
- (iii) Are the same documents, records or other evidence available at another location that is not accessible to the persons involved in the investigation?

6.11.2 If the investigator has decided that the evidence for the case may be at risk, consideration must be given to the best way to secure the evidence, either by physically moving the evidence to a secure environment, or limiting access to or control over the evidence.

6.12 *Preventing the Subject from access to the evidence*

6.12.1 Based on the facts presented, the IGO may request a Representative or other appropriate senior manager (e.g. Head of Office or Bureau Director) to prevent the Subject of an investigation from access to or control over certain potential evidence. The Manager will then ensure that such request is complied with until revoked in writing by the IGO. Preventing the Subject from having access to or control over the evidence will not always result in placing the Subject on administrative leave.

6.13 *Gathering evidence*

6.13.1 Investigators are authorised to have full and complete access to all general files (whether physical or electronic), confidential office files and personnel records located in any UNHCR office or unit, either in hard copy or in electronic form. In the event the IGO requires access to medical records maintained by the United Nations, the IGO will request permission from the staff member concerned.

6.13.2 The IGO has the authority to access all ICT resources and ICT data of UNHCR personnel.⁸ ICT data collected during an investigation shall be kept confidential and disclosed only to persons who are authorised to access the data, within the legitimate needs of the investigation.

6.13.3 Often it is necessary to perform searches of the offices, workspaces or other UNHCR assets that are in the custody of the Subject(s) or witnesses. If evidence is located in the personal workspace of the individual, i.e. desk or computer, where practical the presence of the individual is required while the search is conducted. Any search for evidence located in the personal workspace of the individual should be performed together with another investigator, witness and/or observer (e.g. a security officer), whenever possible.

6.13.4 If the evidence is located outside UNHCR premises and contains personal information about an individual (e.g. private bank account records), then the investigator should normally obtain consent from the individual to access this information. Alternatively, the investigator can request the individual to directly provide the information or to accompany the IGO to obtain the information. Investigators may obtain public records (for example, property titles) without the consent of the individual.

6.14 *Handling documentary and physical evidence and chain of custody records*

6.14.1 When handling the original version of documentary or physical evidence, a clear chain of custody record must be maintained. From the moment the investigator takes control of the evidence, a record of its receipt and subsequent handling must be kept, including the dates and the times when it was obtained. The investigator should record the following information to maintain the proper chain of custody (see also Annex 6):

- *Name of the individual or entity providing the evidence (unless the individual or entity providing the evidence requests anonymity);*

⁸ ST/SGB/2004/15 of 29 November 2004

- *The source and/or physical location from which the evidence was obtained (unless the individual or entity providing the evidence requests anonymity);*
- *Date and time the evidence was obtained;*
- *Name, identifying number, date of document, if applicable and brief description of the evidence; and*
- *Overall condition of the evidence (e.g. number of pages, missing parts, sections or pages).*

6.15 *Document identification*

6.15.1 Each document or other written evidence should be allocated a sequential number by the IGO. Unless the investigator in a case determines otherwise, due to the volume of documentary evidence or other special factors, the original version of any documentary evidence should not be marked and should remain in its original condition throughout the investigation process. The original document should be placed in a secure envelope and the identification number placed on the envelope, not the document itself. This will preserve the integrity and admissibility of the document in the case of an administrative process or legal action, or if forensic examination is required. Copies of original documents may be marked with the identification number, which should be placed in the upper right hand corner of the document whenever possible.

6.16 *Receipt of evidence*

6.16.1 When certain evidence is obtained by the IGO (e.g. items that are normally used or held by the source), the source is provided with acknowledgement or a receipt listing the evidence that has been given (see Annex 7).

6.17 *Storing physical evidence*

6.17.1 Physical evidence relevant to the investigation should be placed in a secure location. For example, official business records should be kept in a locked office, a locked cabinet or other location on UNHCR or UN premises, wherever possible. The only individuals having access to the secured physical evidence should be the investigation team. However, the investigator, for purposes of compiling his/her own documentation of his/her work and findings, should make copies of all relevant evidence, such as documents and records, and photograph evidence that might be difficult to secure, such as assets, properties and locations.

6.18 *Seizing electronic devices*

6.18.1 The collection of evidence may include obtaining electronic data from such items as described in section 6.8.1 (iii), above, including but not limited to, computers, servers, storage media, and cell phones.

6.18.2 If necessary, the IGO may access all ICT resources and data remotely without first informing the authorized user. If such access does occur, the IGO shall, at the earliest possible time after the access has occurred and, to the extent possible within the legitimate needs of the investigation, inform the authorized user of the reasons for the

access, the ICT data that has been accessed and the use that will be made of the ICT data.

6.18.3 In carrying out its investigations, IGO may request the Division of Information Systems and Technology (DIST), the corresponding office away from Headquarters or a third party expert, as it deems necessary or appropriate, for assistance in obtaining access to ICT resources or ICT data. Different DIST officers may be designated by DIST to provide such assistance for different categories of ICT resources.

6.18.4 If requested by the IGO, DIST or the corresponding office away from Headquarters shall maintain a written record of its access to any ICT resource or ICT data, recording a brief description of such activities and the type of information retrieved. No additional records of such access shall be retained by any other office.

6.19 *Handling ICT resources and chain of custody records*

6.19.1 The investigator can seize the ICT resource if there is reason to believe that key evidence may be stored on the device, or that there is a compelling need to safeguard the data. After seizing the ICT resource, the investigator can search the electronic device through physical or electronic means, including but not limited to data analysis and forensic software, without the authorized user being present. IGO may engage an outside expert to ensure data retrieval and analysis is performed professionally.

6.19.2 In accordance with ST/SGB/2004/15, physical access and/or seizure of ICT resources located in an authorized user's workspace, shall, if practicable, be conducted in the presence of the authorized user and/or the head of authorized user's office/division/section or unit and a chain of custody documented, as set forth below.

6.19.3 From the moment the investigator seizes the ICT resource, a record of its receipt and subsequent handling will be kept. The investigator shall record the following information to maintain the proper chain of custody over gathered evidence:

- *Name of the individual assigned to the electronic device;*
- *The source or physical location from which the electronic device was seized;*
- *Date and time of the seizure;*
- *Type, identifying number, and brief description of the electronic device;*
- *Overall condition of the electronic device and peripheral parts;*
- *When feasible, pictures of the device in its original setting;*
- *List of each component of the device, such as hard drive, monitor, mouse, removable media, external electronic storage, etc.;*
- *Indicate whether the computer or other ICT resource is on/off at the time of seizure;*
- *If the computer is on, document the files that are open and the procedures for saving them; and*
- *Document the shutdown procedures or any special procedures executed to prevent loss of data during the shutdown process.*

6.19.4 The seized ICT resource should be moved to a secure environment where access is restricted to the investigative team.

6.20 *Other physical evidence*

6.20.1 If the investigator plans to search for other physical evidence (e.g. searching a briefcase, official vehicle, UN guesthouse), the investigator should first determine whether he or she has the right to conduct the search and confiscate the evidence. In specific cases, judgment must be exercised by weighing the urgent need to search against the immediate threat to the personal security or the security of personnel. In cases when there is no immediate security threat, non-IGO staff assigned to conduct inquiries should consult with IGO before conducting a search for physical evidence. Prior to any search for physical evidence, the individual having possession of the physical evidence must be informed of the intention to search the area and secure evidence, whenever possible.

6.20.2 Once the evidence is located, a receipt should be written that includes the date, time and the physical location of the evidence. If possible, a photograph should be taken of the evidence in its physical location and a description of the physical evidence and its location should be included in the receipt. If the investigator seizes the evidence, a chain of custody record should be prepared for each item (see Annex 6 and 7).

6.21 *Interviews*

6.21.1 Interviews are aimed at obtaining testimonial evidence, i.e. statements from individuals who actually saw an event or have direct or indirect knowledge of anything relevant to the investigation.

6.22 *General standards for conducting interviews*

6.22.1 Interviews are normally conducted by an IGO investigator with an IGO nominated witness. In specific cases the IGO may opt to have two investigation officers present at the interview. There may be situations where the IGO requests the assistance of a suitably qualified staff member to conduct the interview.

6.22.2 Considering the cultural context, gender and other elements of the case, the IGO may select an observer (e.g. field security officer, etc.) to attend the interview. For example, provisions may be made for the presence of a third party in circumstances when an interview participant has specific needs, for example a minor.

6.22.3 In exceptional situations, the interview may be conducted without the physical presence of a witness. However such interviews will either be audio-recorded or a nominated witness linked in by speaker phone.

6.22.4 The IGO should make an effort to ensure that the interview is conducted in an appropriate environment, at a reasonable time, and for reasonable duration with breaks as needed.

6.22.5 Staff members who are interviewed as potential witnesses will be provided with a Witness Notice of Interview prior to or at the time of the interview (see Annex 8).

6.22.6 At the commencement of an interview with UNHCR personnel, the IGO investigator should normally inform the interviewee of the following:

- that a written record of the interview will be completed as soon as is practicable;
 - the identity and role of the individual(s) conducting the interview;
 - the investigative process and possible consequences of an investigation;
 - the authority of the IGO to conduct investigations and the duty of all staff to cooperate; and
 - the importance of confidentiality.
- 6.22.7 An interpreter may be required during the interview. The IGO should determine the appropriate interpreter to be used. The interpreter should be proficient in the language of interpretation and s/he should not be connected with the investigation. The interpreter shall respect the confidentiality of the investigation and shall sign a confidentiality agreement. Prior to the commencement of the interview, the investigator should provide a briefing to the interpreter of the required tasks.
- 6.22.8 The interviewee will be requested to review the record of interview and, if necessary, clarify statements made during the interview. At the end of the interview, the interviewee will be given the opportunity to provide final comments.
- 6.22.9 The IGO normally prepares the written record of the interview. For interviews with UNHCR staff members, where practically possible, each page of the record of interview should be initialled and the final page signed and dated by all persons who attended the interview as a true reflection of what was said in the interview. A template of the Record of Interview is attached in Annex 9.
- 6.22.10 In circumstances, when a staff member refuses to sign the written record of the interview, the investigator should fully document the reasons for the refusal and, in the event that the refusal is not documented in writing or by email, attempt to have another person witness the refusal and endorse that fact by signature.
- 6.22.11 Interviewees may not make their own contemporaneous recordings of interviews. Conversations with witnesses and subjects will not be recorded covertly.
- 6.23 *Specific considerations for interviews with Subjects*
- If the Subject has not already been informed that he/she is under investigation, the investigator must do so at the time of the interview.
 - During the interview, the Subject should normally be informed about the alleged facts and be given the opportunity to respond.
 - Wherever possible, the interview will be audio recorded to assist in ensuring accuracy; however the written record of interview need not necessarily be a verbatim transcript.
 - In some instances, the IGO may prepare an accurate non-verbatim written record of the interview during the interview which can be signed by all parties at the conclusion of the interview. In such instances the interview will nevertheless be audio recorded and the audio recording will be retained on the IGO records for future reference if necessary.
 - If it is not possible to audio record the interview, the investigator(s) shall prepare a written record of the Subject's testimony as close as possible to verbatim. The written record shall contain an explanation of why it was not possible to audio record the interview.

6.23.1 *Accompanying person*

6.23.2 Subjects will be invited to nominate a colleague to accompany them to the interview. This will normally be granted by the IGO provided that the accompanying person is not involved with the investigation or any area of activity that might compromise the effectiveness of the investigation or the interests of UNHCR.⁹ The person nominated by the Subject shall not be contacted by the Subject concerning the interview without prior authorization by the IGO, as the IGO must first determine the suitability of the person nominated for this purpose.

6.23.3 The IGO may decide to inform the Subject about the general nature of the allegations and the evidence that may be presented during the interview, which may have a bearing on the Subject's decision as to whether or not to have an accompanying person present at the interview.

6.23.4 The accompanying person is not permitted to intervene during the interview. The accompanying person shall agree to respect the confidentiality of the investigation and will sign a confidentiality agreement (see Annex 10). If the accompanying person refuses to sign a confidentiality agreement, he/she will not be permitted to be present at the interview.

6.23.5 At any time during the course of the interview, the Subject may request the accompanying person to leave the interview.

6.23.6 If the investigator(s) considers, during the course of the interview, that the presence of the accompanying person is disruptive or may potentially affect the interview process, and if so requested by the investigator, the accompanying person will be obligated to leave the interview. The staff member will be obliged to continue with the interview in accordance with the requirement to duly cooperate with an investigation.

6.24 *Specific considerations for interviews with non-UNHCR staff*

6.24.1 When a non-UNHCR person is interviewed, a written Record of Conversation is normally prepared by the IGO (see Annex 11). This need not necessarily be verbatim. The interviewee is not required to review and sign the Record of Conversation, but the IGO investigator(s) and IGO nominated witness should sign the document. Whenever possible, however, the investigator should strive to obtain a signed Record of Conversation when statements or evidence that are critical to the investigation are obtained.

6.24.2 Where necessary, interviews involving the staff of an implementing partner should reference the general governing clauses contained in the sub-agreement concluded with that Implementing Partner to ensure that cooperation is received.

⁹ The "accompanying person" in this context refers to a person who the interviewee may wish to accompany him / her to the interview in order for the interviewee to feel more at ease during the interview process. The accompanying person is a passive participant and does not have any role as a witness during the interview.

- 6.25 *Specific considerations for interviews with alleged victims of Harassment, Sexual Harassment and Abuse of Authority (staff and non-staff personnel)*
- 6.25.1 Staff members and non-staff personnel may choose to deal with any complaint or grievance through either an informal or formal process.¹⁰ If the complainant initially opts for the informal resolution but is later not satisfied with the results of the informal process, he/she may submit a written complaint to the IGO to begin the formal process.
- 6.26 *Specific considerations in regards to video and/or audio recording of interviews*
- 6.26.1 When interviewing a Subject, the entire process will be audio recorded. When using audio recording devices, the Subject or witness will be informed that the interview is being recorded and must confirm that he/she understands that a transcription of the recording may be part of the official record of the interview. In all cases of recording a Subject interview, a written record of interview will be produced and provided to the Subject as soon as practically possible. The Subject will be invited to sign the record of interview. In addition, the Subject will be given the opportunity to provide a signed statement containing any clarification of his/her statements during the interview.
- 6.26.2 If the Subject refuses to be audio interviewed, the device will be turned on and an introduction made of all persons present with the Subject being asked to comment on the fact that he/she does not wish to be audio recorded during the interview. The investigator shall remind the Subject of his/her obligation to cooperate and that failure to cooperate with IGO investigation may constitute misconduct. The investigator will decide whether to proceed with the interview by taking contemporaneous notes. Where the investigator decides not to proceed with the interview, the matter will be discussed with the Head of Investigation Service.
- 6.26.3 If for any reason, there is a malfunction with the audio recording device, an accurate Record of Interview is to be prepared by the investigator, then reviewed and signed by the Subject, interviewer and witnesses.
- 6.27 *Specific considerations for conducting interviews by telephone or audio-visual conferencing*
- 6.27.1 Given the international nature of UNHCR's activities, operational constraints may prevent the IGO from being able to conduct interviews face-to-face. Accordingly, interviews may be conducted by telephone or audio-visual conferencing. In such situations, the IGO will take reasonable steps to ensure the interviewee is given sufficient advance notice and is able to speak freely and in privacy.

¹⁰ The informal options available to complainants include: a) approaching the alleged offender; b) involving a third party; and, c) involving the Mediator. See UNHCR's Policy on Harassment, Sexual Harassment, and Abuse of Authority, UNHCR (April 2005).

7. Use of outside expertise

- 7.1 In assessing the resources that will be necessary to complete the investigation, the Inspector General may determine that there is a need for assistance from outside expertise. When engaging outside expertise, consideration should be given to available internal / UN expertise as may be appropriate and feasible.

8. File management

- 8.1 File management is an important feature of the investigation process. It assists in ensuring the integrity of the investigation and shows that a clear methodology has been followed.

- 8.2 An electronic folder will be created in Live Link for each investigation case. This folder contains the material relevant to the matter under investigation. It will include, but is not limited to, Records of Interview, Records of Conversation, Notes to File, email correspondence and other documentation. The electronic file will be accompanied by a physical file where original documents are stored. This will include any original documents, such as, signed Records of Conversation, Records of Interview, Exhibit Receipts and documentary evidence. Scanned copies of these original documents should be included in the electronic file.

- 8.3 When assigned an investigation, the investigator shall ensure that the following steps are undertaken:

- A case folder is opened within Live Link; all documents relating to the case held in I-Sight are to be uploaded into a Complaint sub folder. The folder will also contain a blank Document Register and Case Sheet.
- Sub folders are created. All items are delegated to a relevant sub folder. It is suggested that these sub folders be titled – Complaint, Subject, Witnesses and Email Correspondence. The Email Correspondence folder may be further split into three folders, these being – Witnesses, Complainant and Subject.
- The Case Sheet is a chronological log of all steps taken during the investigation process. A brief summary of all steps should be recorded in this. This will outline all persons spoken to during the investigation, the date this was done, and any outcomes. This includes any enquires undertaken, e-mail correspondence or interviews.
- The Document Register is a full list of all documents relating to the case. Each document will be allocated its own unique identifying number. These numbers are to be designated in a sequential manner. When additional documents are submitted along with the source document, then they are to be provided with the same unique number but will also include an alphabetic addition.
- At the completion of the investigation a scanned version of any final report will be uploaded into the Live Link folder.

9. Reporting the investigation findings

- 9.1 Based on the facts and related analysis, one of two possible outcomes is likely:
- (i) The IGO prepares an Investigation Report when the established facts substantiate misconduct. The report is submitted by the IGO to the Director of DHRM, or alternative authority if necessary (i.e. in case a of conflict of interest), for appropriate action; or
 - (ii) The IGO prepares a Closure Report because the investigation has determined the allegation(s) to be unfounded or cannot be substantiated. In exceptional situations the IGO may otherwise close the case (e.g. not be able to proceed with an investigation due to civil unrest in country of investigation).
- 9.2 Investigative findings include all relevant facts established through the investigation process. Its findings shall be factual, impartial, objective and clear, and may include reasonable inferences. The findings are determined after an analysis of the material collected during the investigation process. Consideration should be given to both inculpatory and exculpatory information gathered.
- 9.3 *Closure Report*
- 9.3.1 A closure report outlines the facts established through the investigation process that do not substantiate or refute the reported misconduct. The closure report contains a description of the alleged misconduct, the investigative methodology and the established facts that justify a conclusion that the case should be closed. The closure report serves to ensure accountability of the process, including the decision to close an investigation if the allegations are not substantiated or unfounded.
- 9.3.2 The closure report is signed by the Investigator and the Head of Investigation Service, thereby approving closure of the case. The case may be re-opened for investigation should additional evidence come to light to warrant a re-opening of the case.
- 9.3.3 The IGO does not provide closure reports to Subjects, investigation participants or any individuals named therein. In specific cases where the Subject has been notified by the IGO of the investigation, he/she will be notified in writing by the IGO that the case has been closed. In exceptional cases the IGO may decide to advise the complainant of the closure decision (e.g. in cases of sexual harassment).
- 9.4 *Investigation Report*
- 9.4.1 Investigation Reports present the facts established through the investigation process that substantiate a finding of misconduct by UNHCR personnel in contravention of the Staff Rules and Regulations and/or UNHCR's administrative policies and issuances. If the investigation produces a preponderance of evidence to reasonably conclude that it is probable that misconduct has occurred, the investigator will prepare an Investigation Report, setting forth the findings of the investigation.
- 9.4.2 The IGO submits its Investigation Report to the Director of DHRM for further action, including initiation of disciplinary proceedings, as deemed appropriate by DHRM. The

IGO will submit its Investigation Report as soon as practically possible after the completion of the investigation.

9.4.3 *Investigation Report structure*

9.4.4 An Investigation Report should be an objective account of the facts established. The report should cover the following major areas:

(i) *Background*

This section outlines the alleged misconduct, when and how the allegations came to the attention of the IGO, timeframe for the investigation and the location(s) where it was carried out. This section of the report also discusses the methods used to undertake the investigation, such as interviews conducted with witnesses and subject(s), documents and electronic evidence collected, etc.

(ii) *Personnel implicated*

This section of the report specifies the allegations made by the complainant against the investigation subject.

(iii) *Applicable rules and regulations*

This section outlines the relevant provisions of the Staff Rules and Regulations, UNHCR policies and/or other administrative issuances that are applicable and which have been violated.

(iv) *Methodology*

This section outlines methods used to undertake the investigation, such as interviews conducted with witnesses and Subject(s), documents and electronic evidence collected and field missions undertaken.

(v) *Investigation findings*

The investigation findings give a detailed account of the facts of the case. The findings outline the investigative steps undertaken, how evidence was obtained, what the evidence shows and how the evidence is relevant to the allegations and the conclusion.

(vi) *Investigation conclusion*

This summarizes the conclusions based on the established facts and how these relate to the allegations and the applicable rules and regulations.

9.4.5 *Submission of draft investigation findings to investigation Subject*

9.4.6 If the investigation Subject is a UNHCR staff member, the IGO will provide a draft copy of the investigation findings to the staff member for comments. The investigation Subject will be invited to provide comments on the factual findings of the

investigation and provide countervailing evidence, if any.¹¹ The IGO shall take into consideration the comments and any countervailing evidence provided by the investigation Subject in the Investigation Report, as appropriate.

9.4.7 The IGO shall provide the investigation Subject a reasonable period of time to respond, normally between ten (10) and thirty (30) working days, depending on the seriousness and complexity of the case. The IGO may, exceptionally, grant the investigation Subject an extension of time in which to respond; provided the Subject sends a written request to the IGO setting forth compelling reasons why he or she is unable to comply within the normal timeframe. The IGO shall normally grant only one extension. If the Subject fails to respond within the designated timeframe, the IGO shall nevertheless proceed to finalize the report. The IGO is not obligated to obtain comments from the investigation Subject more than once.

9.4.8 In the case of an investigation into allegations of retaliation, and in accordance with the UNHCR policy for protection against retaliation, the IGO shall forward the report to the Director of the Ethics Office without obtaining prior comment on the report from the Subject of the investigation.

9.4.9 *Finalization and submission of the Investigation Report*

9.4.10 After a final internal quality review and approval by the Inspector General, the Head of the Investigation Service will sign and issue the Investigation Report (together with the comments and any countervailing evidence provided by the investigation Subject, as set forth above) and accompanying exhibits to the Director of DHRM or, in retaliation cases, to the Ethics Office. Copies of all evidence cited or referred to in the Investigation Report will be submitted as annexes to the report.

9.4.11 The IGO does not share final investigation reports with investigation Subjects, complainants, other investigation participants or Heads of Offices.

9.4.12 *Confidentiality of Investigation Reports*

Investigation reports contain confidential and sensitive information about individuals and UNHCR operations and activities. Disclosure of such information may be detrimental to the Organization's functioning, the welfare and safety of its staff or third parties and may also violate the Organization's legal obligations.¹² As such, investigation reports are considered strictly confidential internal documents. Investigation reports will be given prominent confidentiality markings and their distribution will be restricted to specific instances provided for under the IGO's mandate.

9.4.13 With respect to due process requirements, and in exceptional cases (e.g. involving safety or security related risks), Investigation Reports may be redacted to protect the identity of certain individuals.

¹¹ The complainant is not entitled to receive a copy of the investigation report.

¹² ST/SGB/2007/6 (12 February 2007) on Information Sensitivity, Classification and Handling

9.5 *Management Implication Report*

- 9.5.1 If the investigation findings reveal weaknesses in administrative or operational policies, guidelines, procedures or practices, or specific issues arising from the investigation require immediate corrective action in order to strengthen internal controls and mitigate risks, the Inspector General may send to the High Commissioner and/or Senior Management (e.g. Bureau Directors and Representatives) a memorandum on management implications that need to be addressed. This may include recommendations that in the Inspector General's judgment are necessary and/or desirable. These reports on management implications can also include observations outside the parameters of the investigation that require management attention. The IGO will monitor the implementation of the recommendations.

10. Resignation or separation of the investigation Subject

- 10.1 If the investigation Subject is a UNHCR staff member and resigns or otherwise separates prior to the completion of the investigation, such investigation will continue despite the resignation or separation.

11. Reciprocal agreements

- 11.1 The IGO will consider requests to undertake administrative investigations on behalf of other UN Agencies and similar organizations. Cost recovery will be by way of reciprocal agreement or on a case by case basis.

12. National authorities

- 12.1 National authority requests for UNHCR investigation reports and supporting documents or for collaboration with UNHCR to pursue possible criminal or civil action must be directed to LAS. Waivers of UN privileges and immunities, either full or limited, can only be granted by the Secretary-General of the United Nations. No information, documents and/or evidence can be released to, and no UNHCR staff member related to the investigation are allowed to be interviewed by, local authorities or third parties, prior to receiving a waiver of UN privileges and immunities.

13. External oversight bodies

- 13.1 The United Nations Board of Auditors and the UNHCR Audit Advisory Committee have oversight functions of IGO's activities. In exercising these functions, they are entitled to copies of investigation and closure reports produced by IGO. Requests for IGO's reports must be directed to the Inspector General, who has discretion as to whether redaction of reports is required to protect the confidentiality and due process rights of implicated individuals.

Annexes

1. IOM/009/FOM/010 of 07 February 2012 on the role, functions and *modus operandi* of the Inspector General's Office
2. The investigative authority of the IGO - categories of personnel who may be the Subject of an investigation
3. Oath of Confidentiality for UNHCR staff members
4. Investigation plan
5. Subject Notice of Investigation
6. Chain of custody / exhibit form
7. Exhibit Receipt Form
8. Witness Notice of Interview
9. Record of Interview
10. IGO Oath of Confidentiality – Accompanying staff member / person
11. Record of Conversation for non-UNHCR staff