

# Investigation Report, FRN5 - Haiti

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[REDACTED]

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## Legal notice:

Attached is a summary of the investigation carried out by members of Oxfam GB's loss prevention team in July and August 2011 into suspected breaches of Oxfam GB's Code of Conduct by Oxfam GB staff in Haiti. The purpose of providing you with a copy of the report is to provide both Oxfam Novib and the Dutch Government with assurance that this investigation did not involve any substantial accusations of financial misconduct or fraud but arose from accusations of breaches of the Oxfam GB Code of Conduct. Initial allegations relating to fraud were investigated and were found to be baseless.

The report has been edited to remove references to the individuals subject to the investigation. This is to ensure that we comply with our obligations under the UK Data Protection Act 1998 which implements the EC Data Protection Directive 95/46/EC on the protection of individuals with regard to the processing of personal data. While we do not think that individuals can be identified from the report, the report deals with sensitive issues. We therefore seek assurances from both Oxfam Novib and the Dutch Ministry of Foreign Affairs, and their agents and that the report will be treated in strictest confidence and the report will not be disclosed to any other third party or published as part of the audit report. Since it bears no relevance to the audit I would also ask that on completion of the audit copies of the report are destroyed.

[REDACTED] Oxfam GB, 12<sup>th</sup> April 2012.

## 1. INTRODUCTION AND BACKGROUND

The OGB Loss Prevention team received an email from the [REDACTED] Latin America & the Caribbean Region, on 12 July 2011 alleging that various members of staff in the Haiti project had breached the OGB Code of Conduct. Following a discussion between the [REDACTED] it was agreed that an investigation would be carried out. The alleged breaches related to sexual exploitation (use of prostitutes in OGB guest houses and sexual harassment of staff), fraud, negligence and nepotism.

The Loss Prevention team was deployed to Haiti to investigate these allegations. The investigation team comprised 3 members of the Loss Prevention team, supported by the [REDACTED]

For the initial 4 days upon arrival in Haiti, the only people aware of the team's presence in the country were members of CMT, [REDACTED]. This time was spent establishing and examining the intelligence and evidence that was available and also to determine who else may be implicated.

## 2. KEY STAGES AND OUTCOMES OF THE INVESTIGATION

During the initial 4 days of the investigation OGB's Chief Executive telephoned the country Director to inform him of the investigation. He was instructed to meet with the investigation team at their hotel. On being briefed on the nature of the allegations, he took full responsibility and offered to resign. After further discussion with the [REDACTED] it was agreed that OGB might accept his resignation, and allow him a phased and dignified exit, provided that he would fully co-operate with the rest of the investigation. This proposal was subsequently agreed with Barbara Stocking (standing in for Penny Lawrence). It was subsequently agreed that the Country Director would leave the organisation after a period of up to 1 month.

### Investigation of the allegations made against staff

Having briefed the staff in the Port au Prince office that an investigation was underway the main part of the investigation commenced. During the investigation 40 witnesses were interviewed. While the investigation was still in progress, [REDACTED] leaked an investigation report to an unconnected member of staff. This resulted in 3 of the suspects physically threatening and intimidating one of the witnesses who had been referred to in the report. This incident led to further charges of bullying and intimidation against these 3 members of staff.

Final reports on those investigated were submitted to [REDACTED] who, with support from HR from the LAC region and Oxford, carried out disciplinary hearings. The outcome of this process to date is as follows:

- (1) S1 has been dismissed for gross misconduct for failing in his duty to protect staff. He is currently considering whether to appeal against this decision.

- (2) S2 has been dismissed for gross misconduct for use of prostitutes in OGB property.
- (3) S3 has been dismissed for gross misconduct for bullying and intimidation of OGB staff and for the misuse of OGB computing equipment through the access and download of pornographic and illegal material. He appealed against this decision, however, this appeal was subsequently rejected after having been considered by the [REDACTED] and the [REDACTED]
- (4) S4 was charged with gross misconduct for the use of prostitutes in OGB property and for bullying and intimidation of OGB staff. He resigned under investigation and is currently outside of the country but has agreed to undergo a disciplinary hearing on 2 September.
- (5) S4 has been dismissed gross misconduct for bullying and intimidation of OGB staff.
- (6) S5 was charged with use of prostitutes in OGB property and for CV fraud. He resigned under investigation during his home leave but has agreed to undergo a disciplinary hearing at a later date which is to be agreed.

- [REDACTED]
- (8) S7 has been given a final written warning for a breach of trust and confidence through the unauthorised sharing of an investigation report.

In addition due to an incident that occurred during the investigation, S8 has had his probationary period extended following substantiated allegations of threats of violence against contractors and behaviour that could bring OGB into disrepute.

The details of the allegations against the above, the evidence obtained and the outcomes of the investigation are set out in Appendix 1 below.

None of the initial allegations concerning fraud, nepotism, or use of under-age prostitutes was substantiated during the investigation, although it cannot be ruled out that any of the prostitutes were under-aged.

**APPENDIX 1 – SUMMARY OF INVESTIGATION**

Position	Allegations	Corroboration	Action taken to date
xxxxxxxxxx	<p>Use of prostitutes in OGB premises.</p> <p>Negligence and failure to safeguard employees – in particular, female employees.</p>	<p>Admission during interview with Investigation team.</p>	<p>Resignation immediate effect</p> <p>Negotiated a month notice period. Left the organisation 24<sup>th</sup> August</p>
xxxxxxxxxx	<p>Sexual exploitation and abuse of employees</p> <p>Bullying, Harassment &amp; Intimidation</p> <p>Use of Prostitutes in OGB property</p> <p>Misuse of OGB resources (Pornographic images &amp; videos on laptop)</p>	<p>Statements from current and ex-employees plus contractors ██████████</p>	<p>Dismissed for gross misconduct for failure to protect staff.</p> <p>He is currently considering whether to appeal against this decision.</p>
xxxxxxxxxx	<p>Sexual exploitation and abuse of employees</p> <p>Bullying, Harassment &amp; Intimidation</p> <p>Use of prostitutes in OGB property</p>	<p>Statements from current &amp; ex-employees plus contractors ██████████</p>	<p>Dismissed for gross misconduct for use of prostitutes within OGB property with immediate effect following a disciplinary hearing on 17 August.</p>
xxxxxxxxxx	<p>Fraud/Corruption</p> <p>Use of prostitutes in OGB property</p> <p>Bullying &amp; Harassment of other OGB staff.</p> <p>Misuse of Oxfam resource – pornographic images &amp;</p>	<p>No evidence of Fraud.</p> <p>Other allegations corroborated by current employees and contractors.</p>	<p>Dismissed for gross misconduct for bullying and intimidation of OGB staff and for the misuse of OGB computing equipment through the access and download of pornographic and illegal material, with immediate effect following a disciplinary hearing on 17</p>

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Position	Allegations	Corroboration	Action taken to date
	videos on laptop plus pirated copyright materials.		August.  Appeal heard on the 25 <sup>th</sup> August by [REDACTED] [REDACTED] Appeal rejected.
xxxxxxxxxxx	Use of prostitutes in OGB property.  Bullying & Intimidation of other OGB staff.	Statements from [REDACTED] plus interview evidence from [REDACTED] and [REDACTED]	Resigned under investigation.  Has agreed to have a disciplinary hearing by telephone on 2 September.
xxxxxxxxxxx	Fraud  Use of Prostitutes in OGB property  Bullying & Intimidation of other OGB staff	No evidence of Fraud.  Use of prostitutes in OGB property and bullying and intimidation of OGB staff corroborated through statements from [REDACTED] and [REDACTED]	Dismissed with immediate effect for gross misconduct for bullying and intimidation of OGB staff following a disciplinary hearing on 17 August.
xxxxxxxxxxx	False statements on CV  Use of prostitutes in OGB property.	Resigned during investigation.	Resigned under the investigation, during his home leave. Has agreed to a hearing on a date to be agreed.
xxxxxxxxxxx	Nepotism  Failure to declare 'Conflict of Interest'. Several procedural breaches for private gain.	No significant evidence to confirm the allegations.  Some performance issues identified.	Conversation and improvement plan, no upgrade in substantive position.
xxxxxxxxxxx	Breach of trust through the leaking of a confidential report related to the investigation.	Admission of allegation.	Final written warning.

Further to the above, whilst in country, the [REDACTED] received further allegations not connected to the investigation, against the following member of staff:

Position	Allegations	Corroboration	Action taken to date
xxxxxxxxxx	Violence against contractors & bringing OGB into disrepute by behaviour displayed against other OGB staff in public with other senior INGO employees present.	Witness statement from [REDACTED] [REDACTED]	A disciplinary hearing was carried out on 19 August .  One month extension of his probation period.