



TO: Ms. Jane Holl Lute, Assistant Secretary-General
A: Officer-in-Charge
Department of Field Support

DATE: 20 February 2008

REFERENCE: ID-0101/08

FROM: Vladislav Guerashev, Acting Director
DE: Investigations Division
Office of Internal Oversight Services

SUBJECT: **Overview report of allegations of misconduct by Indian peacekeepers**
OBJET: **deployed with the United Nations Mission in the Democratic Republic of the Congo (ID Case No. 0648/06)**

1. In July 2007, the Investigation Division of the Office of Internal Oversight Services (ID/OIOS) received reports of possible misconduct by some peacekeepers of the Indian military contingent (INDBATT) deployed with the United Nations Mission in the Democratic Republic of the Congo (MONUC) and based in the North Kivu province. Specifically, it was reported that some INDBATT peacekeepers were involved in illicit activities to exploit the natural resources of the Democratic Republic of the Congo (DRC). Similar allegations were made by the international media.

2. On 9 August 2007, in the spirit of the revised draft model memorandum of understanding,¹ the Secretariat of the United Nations requested the Permanent Mission of India to the United Nations for assistance in investigating these allegations. In response, the Permanent Mission of India to the United Nations appointed a senior military officer to lead a joint investigation with ID/OIOS. However, it was agreed that before the joint investigation commenced, ID/OIOS would complete its preliminary fact-finding inquiry to determine whether the claims were credible and warranted a full investigation by India with the support of the United Nations.

3. During the course of its preliminary inquiries, ID/OIOS received further related allegations. Following an initial assessment, ID/OIOS identified five groups of allegations which warranted further inquiries:

a) Allegations of inappropriate relations between INDBATT forces and the *Forces Democratiques de Liberation du Rwanda* (FDLR);²

b) Allegations of inappropriate relations between INDBATT forces and other armed groups;

¹ A/61/19 (Part III), General Assembly Report of the Special Committee on Peacekeeping Operations and its Working Group on the 2007 resumed session, (12 June 2007).

² The FDLR is a foreign armed group, who has been involved in combat in Rwanda and the DRC. MONUC has been attempting to repatriate the estimated 15,000 FDLR members, who fled Rwanda and took refuge in the eastern DRC, to Rwanda.

- c) Allegations of misconduct by INDBATT senior personnel in the North Kivu Brigade;
- d) Allegations of illicit gold transactions by INDBATT personnel; and
- e) Allegations of miscellaneous general misconduct, such as handling of UN rations and fuel.

4. ID/OIOS initiated field-based inquiries, which included deployments to Rutshuru, Walikale, Masisi and Nyabiondo in the DRC. Investigators interviewed UN and non-UN personnel and conducted a number of site examinations. In addition to the limited scope of its mandate, the ID/OIOS investigation was encumbered by several factors unique to North Kivu—for example, the security environment hindered the investigation; witnesses resided in remote locations not easily accessible by road or air; and some witnesses were unwilling to cooperate with an UN-based inquiry.

5. Based on information obtained during the course of its inquiries, ID/OIOS found that many of the allegations were based on hearsay statements and were, therefore, not actively pursued. ID/OIOS also determined that many of the remaining allegations were unsubstantiated or supported by uncorroborated statements, while in some instances credible evidence was adduced to conclude that the alleged misconduct did not occur. In one case, however, there was some corroboration of the initial allegations as detailed below.

Purchase of counterfeit gold and unlawful detention

6. During the initial stages of the inquiry, ID/OIOS received information from a number of sources that members of the INDBATT contingent stationed at [REDACTED] had procured unwrought gold from a member of the FDLR. It was further alleged that this gold was counterfeit, resulting in the dealer's illegal arrest and detention in the INDBATT camp. The dealer was allegedly released upon payment by other FDLR members to INDBATT personnel.

7. ID/OIOS found that while corroborative of each other's accounts, the sources that provided the initial information were generally reporting hearsay evidence. ID/OIOS also interviewed the alleged gold dealer, as well as several independent witnesses involved in various aspects of the alleged transaction.

8. The evidence obtained from the dealer of the gold and other individuals involved in various stages of the incident was generally consistent. However, there were some contradictions. Abundant evidence indicated that an individual living in the village of [REDACTED] which was a regular stop along the INDBATT patrol route, procured a small glass bottle of what appeared to be powdered unwrought gold and sold it to members of INDBATT stationed at [REDACTED]. Statements diverged as to the origin of the gold, whether a middleman was used in the transaction, and whether the gold was authentic.

9. ID/OIOS interviewed an interpreter for INDBATT in [REDACTED] who purported to have brought two members of the contingent, whom he believed to be the buyers of the gold, to an appraiser in Goma, who determined that the "gold" was actually pulverized gold-colored metal from a padlock. This same witness provided the names of the two individuals in question and upon viewing a photographic identification array, identified [REDACTED] as the officers in [REDACTED] (JCO) Deepak Singh Nayal and Sergeant Suresh Pandurang Bhat as the officers in [REDACTED]

question. Pursuant to this discovery, the witness stated that [REDACTED] ordered the arrest of the dealer.

10. The circumstances of the dealer's arrest were generally corroborated, but significant differences existed in the recounting of the details. Generally speaking it was agreed that the dealer was arrested in his home by members of INDBATT, who were again conducting a patrol in the area. He was brought to the [REDACTED] camp, where the Indian buyer(s) accused him, through interpreters (interviewed by ID/OIOS), of selling them counterfeit gold. He was then detained in a dilapidated building within the camp perimeter and told that his release was contingent on his return of the money he had been paid for the gold. The dealer told investigators that whilst in detention he was physically assaulted, was required to perform menial tasks in the camp, and was sexually propositioned by one of the peacekeepers.

11. The dealer was able to describe the details of the building where he alleged he had been detained, including very specific details that could not be known to someone who had never been inside that building.³ The allegation that the dealer was detained against his will in the INDBATT [REDACTED] camp, was corroborated by many parties, including interpreters working in the camp, visitors, and MONUC personnel. There were discrepancies in the length of his detention, the source(s) of the order to detain him, and the exact circumstances of his release. Specifically, there was broad corroboration that he was released only after he returned the money to the Indian buyers [REDACTED] CO Deepak and Sergeant Suresh; however, the amount paid was in question, as was the identities of those who provided the release money.

12. During an ID/OIOS photographic identification procedure, the dealer positively identified [REDACTED] CO Deepak and Sergeant Suresh as two of the prominent participants in the transaction.⁴ The dealer also implicated an individual he believed to be the commander of the [REDACTED] camp, and responsible for authorizing his eventual release. Shown a photographic identification array, he identified [REDACTED] Lieutenant Colonel Talun Daby as this person. Two other witnesses corroborated the involvement of these three men in this incident.

13. One factor that remains unclear is the association of the dealer with the FDLR—a point that is significant given the implicit misconduct in INDBATT's engaging in financial and illegal mineral transactions with a member of a rebel force. While some parties describe the dealer as being a member of the FDLR military branch, there is more support that he was a "civilian FDLR member", an elusive distinction. While military FLDR members were issued and carry identification cards labeling them as such, civilian members are generally defined in terms of various nebulous factors, including familial, friend or business association, ideological accord and/or physical proximity coupled with any of the former factors.

14. Inquiries conducted so far have yielded sufficient evidence to conclude that members of the INDBATT in [REDACTED] paid an undetermined amount of money for "unwrought gold", later found to be fake, to the dealer, who had FDLR connections. The dealer was subsequently detained at the INDBATT camp for an undetermined length of time with his release contingent on repayment of the purchase price to the INDBATT contingent members. The dealer finally collected enough money and was released, allegedly after paying US\$480.

³ ID/OIOS verified the description of the building and photographed its interior and exterior for comparison with the dealer's statement.

⁴ Identification of the subjects remains incomplete, as only a photographic identification array has been conducted.

Assessment

15. ID/OIOS concludes that there is sufficient evidence to substantiate the allegation that INDBATT personnel purchased counterfeit gold and unlawfully detained a local resident. In particular, [REDACTED] CO Deepak Singh Nayal, Sergeant Suresh Pandurang Bodhak and [REDACTED] Lieutenant Colonel Talum Duby were identified as being involved in this misconduct.

16. With regard to the other identified allegations, the ID/OIOS inquiry did not adduce sufficient evidence to make any conclusive findings against INDBATT personnel.

17. ID/OIOS notes that some of the allegations, which are based on hearsay and therefore remain untested or for which no corroboration was found during this preliminary inquiry, may have the potential to damage the reputation of the Indian military and the United Nations. In this regard, the Indian authorities may wish to consider other avenues of inquiry, which fall outside the purview of ID/OIOS investigations.

Recommendation

18. ID/OIOS makes the following recommendations in view of the findings of this preliminary inquiry:

19. It is recommended that the Department of Field Support (DFS) of the UN informs the designated Indian officials about the findings of this report with a request that they take appropriate action against [REDACTED] CO Deepak Singh Nayal, Sergeant Suresh Pandurang Bodhak and [REDACTED] Lieutenant Colonel Talum Duby. (ID Rec. No. IV06/648/01)

20. This overview report is provided to the Department of Field Support for its information and consideration. ID/OIOS is available to support any briefing to the Indian officials, if required by DFS.

21. Should you have any questions or comments on any of the matters contained in this report, please do not hesitate to contact me at [REDACTED] (212) 963-8773.

22. Thank you and kind regards.

cc: Mr. Alan Doss, SRSG/MONUC
Ms. Inga-Britt Ahlenius, USG/OIOS