

**CONFIDENTIAL**

Report No. 216

Case No. 2008-14

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UNITED NATIONS JOINT DISCIPLINARY COMMITTEE  
REPORT TO THE SECRETARY-GENERAL

**Case of Gamal Ibrahim**

1. The Panel of the Joint Disciplinary Committee (JDC) consisting of  
Mr. Eduardo Bauza, Chairperson;  
Mr. Ashraf Kamal,  
Member appointed by the Secretary-General; and  
Mr. Paul Huetter,  
Member elected by the Staff,

constituted in accordance with Chapter X of the Staff Rules to advise the Secretary-General as to what disciplinary measure(s), if any, should be taken against Mr. Gamal Ibrahim (hereinafter Mr. Ibrahim) hereby submits its report to the Secretary-General.

**I. Charge**

2. On 5 October 2007, Ms. G. Miller, Director of the Division for Organizational Development, Office of Human Resources Management (OHRM), addressed a memorandum to Mr. Ibrahim informing him as follows:

“On the basis of the evidence and findings contained in the investigation report and supporting documentation, you are hereby charged with physically abusing your canine partner, Buddy. Your alleged conduct is in violation of the guidelines and procedures of the Canine Unit, and your obligations as an international civil servant.

“If established, your behaviour would constitute a violation of staff regulation 1.2, namely the following sections governing the basic obligation of staff:

“(b) Staff members shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status;

“(f) Staff members shall conduct themselves at all times in a manner befitting their status as international civil servants and shall not engage in any activity that is incompatible with proper discharge of their duties with the United Nations;

“Staff members shall only use the property and assets of the Organization for official purposes and shall exercise reasonable care in using such property and assets.”

“In addition, if established, your behaviour would also constitute a violation of the following provisions of staff rule 101.2:

“(b) Staff members shall follow the directions and instructions properly issued by the Secretary-General and their supervisors;

“(d) Any form of ... physical or verbal abuse at the workplace or in connection with work is prohibited.”

“Finally, if established, your behaviour would constitute a violation of the guidelines of the Canine Unit, which provide that:

- a. canine handlers are responsible for the general care and well-being of the canine;
- b. Canine unit dogs are United Nations property, and all security personnel have a responsibility to protect all property.”

## **II. Employment History**

3. Mr. Ibrahim joined the service of the Organization in September 1989 as a Security Officer. In February 2005, he was assigned to the Canine Unit within the Department of Safety and Security (DSS), as a Canine Handler, and appointed as “Team Leader”. Effective 1 September 2006, he was granted a permanent appointment, and was promoted to the S-4 level on 1 December 2006. On 9 October 2007, Mr. Ibrahim was placed on Special Leave with Full Pay, in accordance with staff rule 110.2(a), pending the conclusion of disciplinary proceedings.

## **III. Background**

4. In 2004, the United Nations established the Canine Unit as part of DSS to provide explosive detection services. The dogs of the Canine Unit are considered “working dogs” and are United Nations property. The ten canine handlers of the Unit have been trained by the New York State Police. In addition to this specialized training, the handlers were provided with the New York Police Canine Unit Manual to give them further guidance on how to handle the working dogs.

5. The Canine handlers are required to care for the dogs assigned to them in their homes, and to transport them to work each day. For this reason, the dog handlers are given additional monthly compensation to cover the incidental costs incurred. The selection of canine handlers is carefully monitored by DSS to ensure that canine handlers and their families are capable of this demanding role, and are prepared to assume its special responsibilities.

6. Mr. Ibrahim participated in the specialized training programme and was assigned to the Canine Unit in 2005, and was teamed up with the working dog named Buddy. Shortly after his assignment to the Unit, Mr. Ibrahim was promoted to the Sergeant level and appointed as Team Leader of the Canine Unit. In addition to handling, training, and deploying Buddy for explosive detection sniffs, Mr. Ibrahim supervised the other nine handlers of the Unit until 31 January 2006, when an Officer-in-Charge at the Lieutenant level was assigned to the Unit.

7. On 3 July 2007, DSS Management was informed of allegations of improper conduct against Mr. Ibrahim in connection with his service as a member and Head of the Canine Unit. It was alleged that Mr. Ibrahim had physically abused his canine partner Buddy. Pending the initiation of a formal investigation, Mr. Ibrahim was separated from Buddy and transferred to the Conference Platoon. On the same day, Lieutenant John Hart, Officer-in-Charge of the Canine Unit requested that Mr. Ibrahim transport Buddy to the Westbury Animal Hospital.

8. On 5 July 2007, Mr. Ibrahim transported Buddy to the Westbury Animal Hospital as requested by his supervisor. Buddy was examined by Dr. Arthur N. Wilder, DVM, who prepared a signed note on the same day indicating as follows:

"I have examined "Buddy" Ibrahim on a regular basis since Jan. 10, 2006. Since that time "Buddy has never presented with any physical injury nor did he ever need any surgery.

"On July 5, 2007 I examined "Buddy" and have found him to be in good health."

9. At the request of the OIC of the Canine Unit, a New York State Police Trooper (Mr. Hahl) picked up Buddy on 5 July 2007 and transported him directly to Shaker Veterinarian Hospital. On 6 July 2007, Dr. Lara C. Patrick of Shaker Hospital performed a physical examination on Buddy and completed a signed document dated 10 July 2007 titled "Supporting Deposition" in which she indicated as follows:

[...] ON JULY 06 2007, AT APPROXIMATELY 12:00-12:30PM, I PERFORMED A PHYSICAL EXAMINATION ON "BUDDY" WITH VETERINARY TECHNICIAN ASSISTING. DURING THE PHYSICAL EXAM, THE FOLLOWING WAS OBSERVED. "BUDDY'S" ORAL CAVITY WAS NORMAL, HIS EYES WERE BRIGHT AND CLEAR, AND NO DEBRIS WAS OBSERVED WITHIN THE EAR CANALS. "BUDDY'S" HEART AND LUNGS WERE NORMAL ON AUSCULTATION. ABDOMINAL PALPATION SHOWED MARKED PAIN DISPLAYED BY THE CANINE IN THE LEFT CRANIAL QUADRANT. ADDITIONAL PALPATION SHOWED MARKED PAIN DISPLAYED BY THE CANINE IN THE LEFT CRANIAL QUADRANT. ADDITIONALLY, THE SPLEEN FELT ENLARGED. AS A RESULT OF THE PALPATION, I EXAMINED THE ABDOMINAL SKIN AND OBSERVED THAT THE SKIN ON THE LEFT SIDE OF THE ABDOMEN WAS NOTABLY DARK RED-PURPLE WHEN COMPARED TO THE RIGHT SIDE. UPON CONCLUSION OF THE PHYSICAL EXAMINATION, AND ITS FINDINGS, I BEGAN A ORTHOPEDIC EXAMINATION. I FOUND THAT THE CANINE EXHIBITED PAIN WITH FLEXION OF THE RIGHT CARPUS AND

A DECREASED RANGE OF MOTION IN THE LEFT HIP WITH PAIN UPON EXTENSION. I PALPATED BOTH SIDES OF THE CHEST AND "BUDDY" EXHIBITED PAIN IN BOTH INSTANCES WITH REMARKABLY MORE PAIN ON THE RIGHT SIDE IN THE CRANIAL QUADRANT THAN THE LEFT. THE PAIN LEVEL ON THE RIGHT SIDE APPEARED EXTREME. I MEASURE PAIN ON A SCALE OF ONE TO TEN. IN MY OPINION, THE PAIN EXHIBITED BY "BUDDY" WAS A SIX FOR THE ABDOMEN AND AN EIGHT FOR THE CHEST. AS A RESULT OF THE PHYSICAL EXAM, I FOLLOWED WITH RADIOGRAPHS, ULTRASOUNDS AND BLOOD WORK [...] I OBSERVED ON THE ULTRASOUND THAT "BUDDY'S" SPLEEN WAS GREATLY ENLARGED WITH A MOTTLED APPEARANCE [...] I ADMINISTERED "BUDDY" PAIN MEDICATIONS AND ANIT-INFLAMMATORY MEDICATIONS TO TREAT HIS INJURIES. AS A RESULT OF MY OBSERVATIONS, TESTING AND EVALUATION OF "BUDDY", I STATE THE FOLLOWING CONCLUSION. IT IS MY OPINION THAT BUDDY SUFFERED BLUNT TRAUMA TO BOTH THE THORACIC AND ABDOMINAL CAVITIES. IT IS MY INTERPRETATION THAT THE ULTRASOUND SHOWS CONTUSIONS TO THE SPLEEN AND THE RIGHT CRANIAL LUNG LOBE".

10. The Internal Affairs Unit (IAU) of DSS conducted an investigation into the allegations against Mr. Ibrahim and submitted its Investigation Report (IR) No. IAU/NY/010-07/Ive dated 12 September 2007.

11. On 5 October 2007, Ms. Georgette Miller, then Director, Division for Organizational Development, informed Mr. Ibrahim that he was being charged with misconduct for physically abusing his canine partner Buddy. Ms. Miller provided Mr. Ibrahim with documentary evidence of the alleged misconduct in accordance with the relevant provisions of ST/AI/371, namely a copy of the IR, and supporting material. Ms. Miller informed Mr. Ibrahim of his right to submit comments on the charges, and to secure the assistance of counsel.

12. On 12 November 2007, Mr. Ibrahim filed his comments in response to the allegation of misconduct levelled against him. He denied having engaged in any misconduct, and claimed that the case against him was improperly motivated. According to Mr. Ibrahim, certain Security Officers of the Canine Unit, such as Mr. Mascioli and Mr. Meza, bore grudges against him, and had raised false complaints against him, in an attempt to retaliate against him. Mr. Ibrahim claimed that these retaliatory complaints were triggered by his own complaint to DSS management regarding allegations that the two officers (Mascioli and Meza) had received gifts from UN vendors.

13. On 21 January 2008, the case was referred to the JDC.

#### **IV. Investigation Report**

14. The investigation by the IAU consisted of a review of surveillance tapes, medical reports, as well as witness interviews. The IAU also "analyzed all documentation made available related to the allegation".

15. The findings and conclusions of the investigation read as follows:

## FINDINGS

"56. Base[d] on the facts mentioned above, the IAU finds that Sgt. Gamal Ibrahim did physically abuse his dog "Buddy".

"57. [...]"<sup>1</sup>

"58. The IAU finds that SS/O Wilson [Barry]<sup>2</sup> did accept a box of pastries from the Vendor Viola Pastries Company at the Post 3 on 22 June 2007.

"59. The IAU finds that SS/O Mark A. Mascioli did accept one case of water and a bag of bread from the vendor at the Post 3 on 22 June 2007.

"60. The IAU finds that Security Officers in SSS assigned to Post 3, except Canine Unit members, still accept food/drink items which are dropped off at the post, as there is no specific SSS written procedures /policies in place to address this issue.

## CONCLUSIONS

"61 The IAU concludes that the allegation of having physically abused the dog 'Buddy' against Sgt. Gamal Ibrahim is substantiated.

"62. [...] (Stricken from the record. See footnote 1, page 5)

"63. The IAU concludes that the allegation of accepting the gifts from vendors at the Security Post 3 against SS/O Mark A. Mascioli and SS/O Wilson Barry is substantiated."

**V. Mr. Ibrahim's Response to the Allegations**

16. Mr. Ibrahim responded to the charges levelled against him in a memorandum dated 12 November 2007, stating as follows:

"The above allegations are all contradicted by my outstanding [Performance Appraisal System] PAS records. I refer you to all my PAS of previous years stating that I constantly exceed performance expectations, that I have 'displayed a high standard of professional conduct' which includes 'maintaining the health of the canine both at home and at work. My reporting officers signed the latest PAS for 2006-2007 just a few weeks ago (August and September 2007). These reporting officers supervised me on a daily basis. They are in a much better position than anyone else to pass judgement on my behaviour and on how I treated Buddy [...]

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<sup>1</sup> Paragraphs 57 and 62 of the report were intentionally stricken from the record by the Administration because they were deemed irrelevant to the charges under review in this case.

<sup>2</sup> The Report mistakenly referred to the officer as S/O Wilson Henry.

**“No injury to my dog Buddy on 5 July 2007.** The official documents on record indicate that when I returned Buddy to Dr. Wilder, the veterinarian, on 5 July 2007, he thoroughly examined the dog and the veterinarian found the dog in perfect condition. What happened after delivering the dog is out of my control. I certainly cannot be held responsible for any mistreatment Buddy may have received after his transfer to Dr. Wilder and to Shaker Hospital. I also question why the report was written only 5 days later after the transfer, and what happened between 5 and 10 July 2007. On 5 July, when I surrendered Buddy to Dr. Wilder, the dog would have reacted strongly during the exam if he indeed was injured with ‘*pain with flexion*’ and with ‘*blunt trauma to both thoracic and abdominal cavities*’. Such obvious injuries and blunt trauma would have been diagnosed on 5 July (even in a ‘*superficial*’ examination by any competent veterinarian; and Dr. Wilder did not notice any pain nor injury on that date, as recently reconfirmed by him [...]

“[...] The redness on Buddy’s skin has always existed and [is] part of his skin and hair complexion. I have many photos confirming this and I include one of them as Annex B. On 5 July 2007, Dr. Wilder in my presence saw this redness on Buddy’s skin and was able to identify it as a typical Golden Retriever’s skin complexion, rather than an injury.

“I strongly disagree with the IAU report [...] where it is stated that ‘*there were no incident reports or medical reports indicating that similar injuries had been sustained by other animals in the canine Unit doing the same work*’. As a K-9 team leader, I was a witness to many such incidents and injuries, proof of which I can produce and are on records at the K-9 Unit. In annex C, I enclose a 7 October 2005 letter from New York State Commissioner’s Office referring to the dogs’ huge workload, which ‘*exceeds*’ and ‘*stretches*’ the limits of the K-9 Unit dogs. As a result of the abusive workload imposed on dogs, the NY State K-9 authorities requested that their K-9 dogs’ workload be reduced, in order to protect the animals from injuries. Our own K-9 officers warned that this heavy workload could lead ‘*to a higher propensity for inefficiency, fatigue, injury or illness*’ [...] Indeed, it is a fact on record that workload abuses led to many of these animals suffering injuries and trauma during truck inspections or in other inspections, which required their hospitalization [...]

**“Bonding, command and control of my dog Buddy.** The bonding with my dog was always exceptionally smooth in terms of language and obedience. [Please refer] to Section 11 of the New York State K-9 Guidelines and instructions on ‘recertification’ of K-9 Unit dogs, which I passed successfully each time. It requires the handlers to be able to ‘*re-call the dog to the heel position with hand and verbal command at which time the dog will return to the handler’s side*’. This is precisely the instruction I have followed with Buddy, using appropriate hand and verbal command. This does not constitute dog abuse, but proper handling of a canine, in line with training instructions received, with dog handler’s professional standards and with State of New York re-certification requirements [...]

**“Security Council incident of 2 July 2007.** The incident at the Security Council appears again to be misinterpreted by IAU investigator. I did not have access to the video clip contents which they used as evidence, and which they used as evidence, and which they sent to me on a CD that did not work on any of the 6 computers on which it was tested. But I recall very clearly that, on 2 July, Buddy was playful and rested his 2 front legs

affectionately on my shoulders on that occasion. To calm him [...] I gave him **hand and verbal commands**, which had nothing threatening for him, and he came on my side to sit down. No dog abuse has occurred [...]

**“Dog Barking.** The IAU report refers to ‘extreme barking’ as a proof of dog abuse by me. I challenge such a judgement by IAU which misunderstands dog behaviour; it fails to take into account that barking also depends on the context in which the animal is placed and on the presence of unfamiliar or hostile persons. For instance, Mr. John Hart himself, our new chief, often complained of Solazano and Garcia dogs’ excessive barking [...]

**“Statement by Ivette Garcia on the 2 July incident.** I request that Ms. Garcia’s false statement be totally discarded. It is pure fiction and fabrication. Both of her so-called ‘witnesses’ denied that the incident she reported had occurred: Mssrs. Solozano and Raimie refused to corroborate Ms. Garcia’s allegations. In the absence of such corroboration by key witnesses, why did IAU investigators maintain Ms. Garcia’s statement in their report? This contradiction of evidence in their raises a serious question of objectivity, professionalism and impartiality on the part of the investigation team. I totally deny Ms. Garcia’s version of the 2 July incident.

**“Mascioli’s Harassment and False Allegations.** SS/O Mascioli has a reputation for harassment, fabrication and extrapolation, besides taking occasionally a free lunch from vendors. In annex I, he sent me an email promising not to harass me any further, but he did not change his behaviour, took annual leave without prior authorization, was late at work, and continued to raise false complaints against me. I had to report these incidents to Joanne McCreary and Thomas Gerstenecker, my supervisors on 8 March 2007. On 12 March 2007, I was also compelled to report that Mr. Mascioli did not report for duty and that on 9 March he took an unauthorized break from service [...] All these incidents point to Mr. Mascioli’s poor performance which is on record, and for which he holds a grudge against me for reporting them. These incidents and his behaviour towards me confirm that he cannot be a reliable and credible witness [...]

**“Meza’s absence of credibility.** Likewise, SS/O Meza unfairly complained that he suffered from abuses in his work schedule. Mr. John Hart asked me to investigate this matter and I reported that Mr. Meza’s allegations were inaccurate. On 24 January 2007, Mr. Hart as OIC, was compelled to write a memo to Mr. Meza to rectify his false assertions [...] Thereafter, SS/O Meza always remained angry against me for not supporting his views and allegations. His credibility as a witness is therefore less than reliable in the present case [...]

**“Absence of Credibility of the Accusers and Whistleblowing protection.** The allegations by the accusers were made by disgruntled [Security Officers] who retaliated against me for having reported their misconduct [...] Considering that misconduct charges laid against some of them has been established, their version of the facts should be weighed with greatest care. In my view, the credibility of their allegations against me have no standing at all, considering that the rationale for their false allegations was essentially triggered by a spirit of retribution against me, as a result of my whistleblower role.

**“Absence of Evidence on Dog Abuse.** As can be seen from the above remarks, the IAU report is incomplete in terms of reviewing all relevant records, of contacting all witnesses, and it does not represent a balanced and objective picture of all the facts. Consequently, based on the IAU report, there is no corroborated evidence of any incident where I would have abused Buddy. I deny all such allegations as totally groundless and I request that they be rejected, that I be reinstated in my functions and that I be protected for my actions as whistleblower, against those [who] have now become my accusers, in retribution for reporting their unsatisfactory conduct.”

## VI. JDC Proceedings

17. A JDC Panel was constituted and it held executive sessions *in camera* on 18 June 2008 and on 14 October 2008 to consider the case. At its first organizational meeting, the Panel examined the applicable statutory provisions regarding disciplinary proceedings, such as Chapter X of the Staff Rules and Regulations and ST/AI/371 “Revised Disciplinary Measures and Procedures”. The Panel further determined that it was necessary to request that certain information and documents be provided to it by DSS. Specifically, the Panel requested the medical records of all working dogs of the Canine Unit, which were made available promptly by the Canine Unit.

18. Following its review of the documentary evidence, the Panel conducted a hearing on 14 October 2008. The Panel called three witnesses to clarify the questions which arose from the Panel’s review of the charges, and the basic facts of the case. At the hearing, the Panel called Security Officers Ivette Garcia and Philbert Solazano, as well as Lieutenant John Hart, OIC of the Canine Unit.

19. The Representative of the Secretary-General, Ms. Michelle Phippard of the Administrative Law Unit, participated in the hearing through videoconference, and both Mr. Ibrahim and his Counsel, Mr. Francois Lorient were present. Following the hearing and receipt of all submissions by the parties, the Panel met in executive session to conclude its deliberations. Below is a summary of the statements made by the parties and the witnesses during the hearing.

### Representative of the Secretary-General

20. Ms. Phippard first informed the Panel that the case against Mr. Ibrahim concerned an allegation that on or around 2 July 2007, he had physically abused his canine partner Buddy. She stated that this allegation was substantiated by the IAU investigation report, based on “key evidence” that she outlined as follows:

- “a. As Buddy’s canine handler, Mr. Ibrahim was required to look after the dog in his home and to bring the dog to work with him at the United Nations each day. Mr. Ibrahim was therefore Buddy’s primary full-time carer.
- “b. Nine out of ten officers in the Canine Unit brought allegations of dog abuse against Mr. Ibrahim to the attention of Deputy Chief of the Security and Safety Services on 3 July 2007. Four security officers serving in the Canine Unit subsequently provided the IAU with information about Mr. Ibrahim’s relationship

with Buddy and reported incidents where Mr. Ibrahim had displayed inappropriately threatening behaviour towards Buddy and other dogs in the Canine Unit. In particular:

“i. SS/O Bjorn Nauf informed the IAU that Mr. Ibrahim had a distant and non-bonding relationship with Buddy, and that other dogs in the Canine Unit had exhibited abnormal behaviour (extreme barking and negative excitement) in Mr. Ibrahim’s presence;

“ii. SS/O Frank Ranelli informed the IAU that he had observed an incident when Mr. Ibrahim made a threatening gesture towards his own dog Zak, by holding up a walking cane as if he was going to beat Zak. This incident was confirmed by a colleague, SS/O Mascioli, and was reported to Lt. John Hart, the Officer-in-Charge of the Canine Unit, and SS/O Henry Meza, the Canine Unit Training Officer;

“iii. SS/O Meza further informed the IAU of an incident that took place on 29 June 2007 during a search of the Security Council, when Mr. Ibrahim made a threatening gesture towards Buddy when he failed to immediately obey a verbal command. The IAU noted that the surveillance tape at the venue corroborated SS/O Meza’s version of events, showing that when Buddy jumped onto Mr. Ibrahim’s chest, he raised his hand with the leash in his hand, as if to strike Buddy;

“iv. Finally, SS/O Ivette Garcia informed the IAU of an incident that took place on 2 July 2007 in the DSS offices, where she saw Mr. Ibrahim kick Buddy in the left side of his ribs after he failed to immediately obey a command to enter his cage. This incident was also reported to Lt. Hart. SS/O Garcia further testified that she had seen Mr. Ibrahim raise the leash to threaten Buddy on an additional one or two occasions.

“c. In his interview with the IAU, Lt. Hart, Mr. Ibrahim’s direct supervisor stated that he had been made aware of three incidents of suspected animal abuse by Mr. Ibrahim – two incidents concerning Buddy (described in (iii) and (iv) above) and one incident involving SS/O Ranelli’s dog, Zak (described in (ii) above).

“d. A physical and orthopaedic examination of Buddy was conducted on 6 July 2007 by Dr. Lara Patrick of the Shaker Veterinarian Hospital, New York. Dr. Patrick’s report dated 10 July 2007 indicated that Buddy had exhibited pain on several occasions during the examination, and that his spleen appeared enlarged. While the report makes reference to redness on Buddy’s side, this information is not relied upon as evidence of injury. Dr. Patrick concluded that Buddy had suffered blunt trauma to both thoracic and abdominal cavities.”

21. Ms. Phippard asserted that “based on an analysis of the findings of fact made by the IAU, the Administration was of the view that the report and supporting documentation contained sufficient evidence that Mr. Ibrahim had physically abused his canine partner Buddy. She further argued as follows:

“While the situation presented by Mr. Ibrahim’s case is somewhat novel, the Administration submits that, if established, his actions would clearly amount to misconduct. In drawing this conclusion, the Administration relies on the following analogous situations: a canine partner is a working dog, and as such, can be viewed as akin to a staff member. There are a number of precedents for disciplinary measures being imposed by the Secretary-General in cases where one staff member has physically assaulted another staff member [...]

“Alternatively, the view could be taken that Mr. Ibrahim’s canine partner is United Nations property (rather than a staff member), as dogs serving in the Canine Unit have been gifted to the United Nations by a member state government (namely, the government of the United States of America). Staff members of the United Nations have an obligation to take reasonable care in the use of such property, and there are precedent cases where disciplinary sanctions have been imposed on staff members for failures in this regard, as well as instances where staff members have been required to reimburse the Organization for the value of the damage caused to the subject property [...]

“In the case of officers serving in the Canine Unit (such as Mr. Ibrahim), it should be noted that they receive additional funds to fulfil their obligations in taking care of their dogs, and are made aware of their heightened responsibilities before they agree to take on the role. The Administration submits that these special obligations make Mr. Ibrahim’s actions even more serious.

“Further, given that the misuse of property in this instance has a direct link to the interest of a Member State (the United States, which continues to supply Canine Unit dogs as well as ongoing involvement in training and other issues related to the Unit), Mr. Ibrahim’s failure to take reasonable care has the potential to bring the Organization into disrepute with Member States. The Administration submits that this is another aggravating factor which should be given consideration by the Joint Disciplinary Committee in determining the sanction that should be imposed in this case.

“The Administration submits that Mr. Ibrahim has failed to produce credible evidence to justify his conduct and to displace the *prima facie* case established against him by the Administration. In these circumstances, we submit that there is ample evidence for the [JDC] to conclude that Mr. Ibrahim engaged in the conduct alleged, and thereby violated the Staff Regulations and Rules, and his obligations as an international civil servant. Taking into account all of the circumstances, the Administration seeks the panel’s advice on the appropriate disciplinary sanction(s) to be imposed upon Mr. Ibrahim in all of the circumstances.”

Counsel for Mr. Ibrahim

22. Counsel for Mr. Ibrahim asserted that the allegations levelled against Mr. Ibrahim were vague and were not supported by the evidence. He indicated that the investigation conducted by the IAU was perfunctory and the investigators “only met with Mr. Ibrahim for a few minutes”. According to Counsel, “no manual was provided by the IAU to explain the right conduct of officers towards their dogs”. He added that the Administration did not meet its burden of proof regarding the allegation that Mr. Ibrahim had physically abused his canine partner.

23. Counsel further stated that the facts on which the allegations were based were not sufficiently established by the Administration, and the key evidence concerning S/O Garcia’s statement was contradicted by another witness, Mr. Solozano, and the IAU investigators chose to ignore Mr. Solozano’s account. He indicated that Mr. Solozano, who was present in the office at the time of the act alleged by S/O Garcia, had indicated that he did not see Mr. Ibrahim kick his canine partner.

24. As concerns the documentary evidence presented by the Administration, Counsel complained that the digital video disk which allegedly contains images of the incident that transpired at the Security Council chamber on ....., a copy of the disk was furnished to Mr. Ibrahim, but “it did not work” despite numerous attempts to open it using more than six computers.

25. Counsel concluded that the charge against Mr. Ibrahim was not supported by the evidence and requested that the Panel recommend that the Secretary-General drop the charges against Mr. Ibrahim.

Lieutenant John Hart

26. Mr. Hart stated that at the time of the alleged incidents, he was the OIC of the Canine Unit and therefore supervised the work of Mr. Ibrahim. Responding to the Panel’s questions, Mr. Hart first confirmed that he had rated Mr. Ibrahim’s performance as “frequently exceeds performance expectations”. The Panel brought to Mr. Hart’s attention the goals and performance expectations set forth in Mr. Ibrahim’s PAS report, which required Mr. Ibrahim to “maintain the health of the canine both at home and at work”. Mr. Hart indicated that Mr. Ibrahim had met all his performance expectations and goals, including proper care and handling of the canine. He stated that he kept a binder in his office which contained all the medical records of the canine, and that he consulted such binder periodically, and he did not find any “red flags regarding Mr. Ibrahim’s handling of the dog”. Mr. Hart stated that he had learned of three incidents of suspected dog abuse by Mr. Ibrahim before the alleged incident on 2 July 2007. He further stated that due to the strained relationship between Mr. Ibrahim and the other canine officers, Mr. Hart had recommended to the senior management of DSS that Mr. Ibrahim be transferred to another post elsewhere in DSS. He indicated that this recommendation was not heeded by DSS’s senior management.

27. Mr. Hart also informed the Panel that, on two occasions in June 2007, Mr. Ibrahim reported to him that some officers of the Canine Unit were “accepting gifts from outside vendors”. Mr.

Ibrahim indicated to Mr. Hart that the fact that canine officers were receiving gifts from vendors "did not look good, and our reputation could be in question". As concerns the allegations that two officers had accepted gifts from vendors, Mr. Hart informed the Panel that one of them was suspended for 3 months, and the other was transferred out of the unit.

28. Replying to questions from Mr. Ibrahim, Mr. Hart stated that from his understanding, it was acceptable behaviour to give both hand and verbal commands to the Canine unit dogs. But he warned that he was not a "trained handler".

Ms. Ivette Garcia

29. Ms. Garcia testified that on 2 July 2007, Mr. Ibrahim entered the Canine Unit Office located in Room No. GA26 and his dog Buddy was "moving slowly behind him" and "seemed afraid". She indicated that Mr. Ibrahim gave Buddy a verbal command to enter the cage, and that the dog seemed to have ignored this command. Ms. Garcia stated that Mr. Ibrahim "became angry" and said "Buddy I said get in the cage!" According to Ms. Garcia, Mr. Ibrahim then "kicked Buddy in his rib". Buddy then "slouched down and crawled into his cage" and Mr. Ibrahim then closed the door of the cage. Ms. Garcia informed the Panel that at the time of the incident, Security Officer Solozano was also present in the office. She stated that the incident occurred after Mr. Ibrahim had a verbal altercation with S/O Solozano outside of the office.

30. According to Ms. Garcia, she informed her Staff Representative (S/O Raimie) about both incidents. She indicated that she was shaken as these incidents reminded her of a previous incident when Mr. Ibrahim "raised his voice at [her] back in July 2006". However, Ms. Garcia recanted part of the testimony she had given to the investigators. She indicated to the Panel that she never said that she had seen "Sgt. Ibrahim on one or two occasions raise his lead (leash) to threaten Buddy" as indicated in paragraph 4 of the signed Record of Interview.

Security Officer Philbert Solozano

31. S/O Solozano testified that he was present in the office on the day of the incident, when Mr. Ibrahim allegedly "kicked the dog". He stated the "from where [he] was sitting", he should have seen Mr. Ibrahim kick the dog, if indeed he had done so. Mr. Solozano informed the Panel that he did not see Mr. Ibrahim kick his dog.

**VII. Considerations**

32. The Panel noted that Mr. Ibrahim was charged with physically abusing his canine partner Buddy, which, if established, would constitute a violation of the standard of conduct of international civil servants, the relevant staff rules and the guidelines of the Canine Unit, as well as a breach of his duty to care for and be responsible for the wellbeing of his canine partner.

33. The Panel observed that the key evidence on which the Administration seemed to rest the charge against Mr. Ibrahim was based on four elements of proof:

(a) The testimonies of some officers of the Canine Unit, who alleged that on a number of occasions, Mr. Ibrahim “had displayed inappropriately threatening behaviour towards Buddy and other dogs in the Canine Unit”.

(b) A copy of a surveillance tape of the “Security Council incident” which allegedly showed images of Mr. Ibrahim raising his hand in a threatening manner, as if to hit his canine partner;

(c) The statement of Security Officer Ivette Garcia, who testified to the investigators and the Panel that on 2 July 2007, she observed that Mr. Ibrahim “kicked Buddy in his left side of rib very hard”.

(d) The findings of Dr. Patrick, who examined Mr. Ibrahim’s canine partner on 6 July 2007, and concluded that the canine “had suffered blunt trauma to both thoracic and abdominal cavities”.

34. The Administration introduced evidence of Mr. Ibrahim’s prior “mishandling” of Buddy and other Unit dogs through the testimony of nine out of the ten Security Officers of the Canine Unit. These witnesses testified that on various occasions, Mr. Ibrahim had engaged in inappropriately threatening behaviour towards the Unit dogs, and that Mr. Ibrahim did not have a bonding relationship with Buddy. In presenting this evidence, the Administration sought to establish a pattern of abusive conduct by Mr. Ibrahim towards Buddy and other Unit dogs.

35. The Panel examined these testimonies in order to establish whether Mr. Ibrahim was culpable of these alleged acts, and if so, whether they constituted improper behaviour. Mr. Ibrahim opined that the acts alleged by his colleagues were proper and in accordance with the procedures set forth in the New York State Police Canine Unit Manual. During the hearing, Mr. Ibrahim re-enacted some verbal and hand commands for the members of the Panel with a firm and loud voice. He then questioned his supervisor, Lt. Hart as to whether giving these verbal and hand commands to a canine dog constituted improper behaviour. Lt. Hart answered that on both counts, his view was that these commands re-enacted by Mr. Ibrahim constituted proper commands to a canine, but he warned that he was not a “trained handler”, and was only giving his personal opinion. Mr. Solozano, a certified dog handler also agreed during the hearing that the verbal and hand commands, as re-enacted by Mr. Ibrahim constituted proper behaviour. The Panel felt that the alleged acts of improper behaviour by Mr. Ibrahim against Buddy and other dogs of the Unit were not sufficiently established. The fact that dogs would bark whenever Mr. Ibrahim entered the office was not sufficient to establish that the dogs did not like him or that he was abusive to them. Similarly, the Panel was of the view that the statement that Mr. Ibrahim did not have a bonding relationship with Buddy was not sufficiently established and was nothing more than someone’s subjective opinion.

36. Even assuming *arguendo* that these alleged acts were established, they would only prove that Mr. Ibrahim did not have a “bonding relationship” with his dog and that he used improper hand and verbal commands to other dogs of the Unit. In the Panel’s view, this evidence could not be used to prove that Mr. Ibrahim had physically abused his canine partner, or that he had a propensity to violence against his own or other Unit dogs. In other words, the Panel felt that the

probative link between the evidence of these alleged prior acts (such as “not having a bonding relationship with his dog, giving improper hand and verbal commands) and the allegation of physical abuse of Buddy was not sufficiently established.

37. While weighing the reliability of the officers’ statements, the Panel found it significant that there was a strained relationship between Mr. Ibrahim and the other officers of the Canine Unit, who all seemed to disprove of Mr. Ibrahim’s management style as Head of the Canine Unit. Lt Hart confirmed this fact during the hearing and informed the Panel that he had recommended that Mr. Ibrahim be transferred to another unit, because of the strained relationship that existed between Mr. Ibrahim and the other officers of the Canine Unit. Lt. Hart further indicated that DSS did not heed this recommendation. The Panel found that it was indeed plausible and probable, as contended by Mr. Ibrahim, that some of the witnesses “held a grudge against” him after he reported them for allegedly accepting gifts from UN vendors, and others disproved of his strict enforcement of the rules as the Head of the Canine Unit. The Panel felt that in this regard, it was significant to note that Mr. Ibrahim, who was a member of the Canine Unit working under the supervision of Mr. Meza (one of the witnesses in this case), was subsequently appointed to lead the Canine Unit.

38. The Administration also introduced a digital video disk containing the recorded images of what transpired on 29 June 2007<sup>3</sup> in the Security Council chamber. According to S/O Meza, on that day around 9:00 A.M., Mr. Ibrahim “raised his arm up in a menacing and harassing manner as if to strike Buddy”. The Panel reviewed this tape, but could not determine from the indistinct images whether Mr. Ibrahim’s motions were menacing or constituted harassment.

39. The Panel then examined the testimony of Ms. Garcia, who was present in the Canine Unit office on 2 July 2007, and who testified to the investigators and to the Panel that she had observed Mr. Ibrahim “kick the dog very hard”. At the Panel’s request, Ms. Garcia indicated that she did not observe any sound in response to the alleged kick such as a thud or yelp from Buddy. In the Panel’s view, Ms. Garcia’s statement would have been more credible if it was corroborated by Mr. Solozano who was also present in the office at the time of the alleged incident. Mr. Solozano, who had a verbal altercation with Mr. Ibrahim before the alleged incident, had all the reasons to testify against Mr. Ibrahim. However, he stated to the Panel that he did not see Mr. Ibrahim kick the dog. Responding to the Panel’s question, Mr. Solozano indicated that from his vantage point, he would have seen Mr. Ibrahim kick the dog if indeed Mr. Ibrahim had done so. The Panel was aware that this testimony did not necessarily mean that Ms. Garcia’s statement was not credible. At the same time, the Panel had to weigh all the evidence, particularly in view of Mr. Ibrahim’s allegation that Ms. Garcia, like the other Canine Unit officers, had an axe to grind with him after Mr. Ibrahim allegedly warned Ms. Garcia and other officers about the misuse of UN computers during working hours. The Panel was of the view that the credibility of Ms. Garcia’s statement that she had seen Mr. Ibrahim “kick the dog” was undermined by the statement of Mr. Solozano, who was also present in the office, and who categorically stated that he did not see Mr. Ibrahim “kick the dog”.

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<sup>3</sup> In paragraph 34 (viii) of the charge document, Ms. Haji-Ahmed indicated that this incident occurred on 2 July 2007 and she attached the surveillance tape as Annex 11. The date stamp on the tape itself reads 29 June 2007.

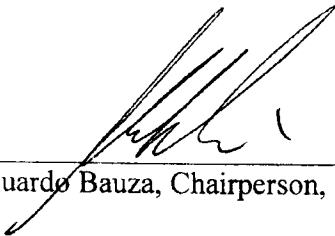
40. The Panel then examined the statements of both doctors in view of first establishing whether the dog's injuries could be imputable to physical abuse by Mr. Ibrahim. The Panel noted that on 5 July 2007, Mr. Ibrahim transported Buddy to the Westbury Animal Hospital as requested by his supervisor Lt. Hart. The dog was examined by Dr. Arthur N. Wilder, DVM, who prepared a signed note on the same day stating that he had "examined Buddy on a regular basis since January 10, 2006 and since that time Buddy has never presented any physical injury nor did he ever need any surgery". Although Dr. Wilder later stated that he had only performed a "superficial examination" of the dog, the Panel found it surprising that during his examination, he did not notice that the dog's skin on the left of the abdomen was "purple-red", which would be an obvious sign of injury. At any rate, the Panel observed that the cause of these alleged injuries was a threshold issue in the consideration of this case, and there was a need to establish whether Mr. Ibrahim was the perpetrator of his dog's injuries. The Panel observed that as the "full-time carer" of the dog, Mr. Ibrahim had a duty to explain the cause of the dog's injuries. Mr. Ibrahim first explained that "the redness on Buddy's skin has always existed and [is] part of his skin and hair complexion". He provided the Panel with photos of Buddy highlighting what he considered "typical golden retriever's complexion". According to Mr. Ibrahim, the canine was in perfect medical condition when he "returned" the dog to Dr. Wilder, and Mr. Ibrahim should not be held responsible for any "mistreatment" that the dog might have received after 5 July 2007. Mr. Ibrahim further explained that "if any injuries were found on Buddy" they could have been sustained while he was performing a check on 2 July 2007 and jumped over a high partition, or when he was jumping in and out of trucks during inspections on 3 July 2007.

41. Following a discussion on the discordant findings of the two veterinarian doctors, the Panel was of the view that the evidence presented was not sufficient to establish that Mr. Ibrahim was the perpetrator of the dog's alleged injuries. It was undisputed that the dog presented injuries when he was examined by Dr. Patrick on 6 July 2007, but the evidence was not conclusive as to the cause of these injuries, and whether Mr. Ibrahim was the perpetrator. The Panel observed that the explanations given by Mr. Ibrahim that the dog's injuries could have been work-related were plausible, as evidenced by the material submitted by Mr. Ibrahim in his defense, showing that other Unit dogs had sustained various work or training-related injuries that required veterinarian treatment. For example, the Panel took note of an incident involving another Unit dog named "Jet" who was treated by Dr. Sarah Evans of the Animal Medical Center on 6 June 2006 for a "two-day history of rear limb discomfort and crying out when walking upstairs and jumping into vehicles". The Panel was of the view that the evidence of injuries sustained by other Unit dogs, whether they were sustained while on-duty or off-duty, was sufficient to lend some credibility to Mr. Ibrahim's explanations of possible causes of Buddy's alleged injuries.

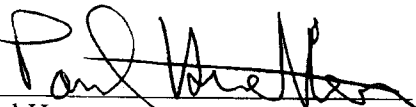
### **VIII. Conclusions and Recommendations**

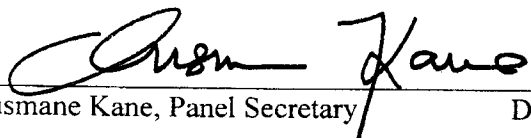
42. For all the foregoing reasons, the Panel found the evidence to be factually insufficient in two respects: (1) to prove that Mr. Ibrahim was the cause of the canine's injuries, and (2) to prove that Mr. Ibrahim had physically abused his canine partner. It therefore unanimously concluded that the evidence was not adequate to support the charge, and unanimously recommended that the Secretary-General drop the charge levelled against Mr. Gamal Ibrahim.

REPORT AND RECOMMENDATIONS UNANIMOUSLY ADOPTED BY THE PANEL OF THE JOINT DISCIPLINARY COMMITTEE.

X   
\_\_\_\_\_  
Eduardo Bauza, Chairperson,


X \_\_\_\_\_  
Ashraf Kamal,  
Member appointed by the Secretary-General

X   
\_\_\_\_\_  
Paul Huetter,  
Member elected by the Staff

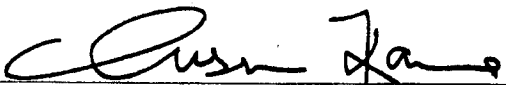
X   
\_\_\_\_\_  
Ousmane Kane, Panel Secretary                      Date

REPORT AND RECOMMENDATIONS UNANIMOUSLY ADOPTED BY THE PANEL OF THE JOINT  
DISCIPLINARY COMMITTEE.

X \_\_\_\_\_  
Eduardo Bauza, Chairperson,

X  \_\_\_\_\_  
Ashraf Kamal,  
Member appointed by the Secretary-General

X \_\_\_\_\_  
Paul Huetter,  
Member elected by the Staff

X  \_\_\_\_\_  
Ousmane Kane, Panel Secretary                      Date



THE DEPUTY SECRETARY-GENERAL

12 January 2009

Dear Mr. Ibrahim,

.... I enclose a copy of the Report No. 216 in Case No. 2008-14, submitted by the Headquarters Joint Disciplinary Committee, which was constituted in accordance with Chapter X of the Staff Rules to advise the Secretary-General as to what disciplinary measures, if any, should be taken against you in connection with the charge of physically abusing your canine partner, Buddy.

The JDC noted that you were charged with physically abusing your canine partner. The JDC noted that the key evidence on which the Administration seemed to rest its charge against you was based on four elements of proof: (a) testimonies of some officers of the Canine Unit, who alleged that on a number of occasions, you had displayed inappropriately threatening behaviour towards Buddy and other dogs in the Canine Unit; (b) a copy of a surveillance tape, which allegedly showed you in the Security Council chamber, raising your hand in a threatening manner as if to hit your canine partner; (c) the statement of a Security Officer who testified that she observed you on 2 July 2007 kick Buddy "in his left side of rib very hard"; (d) and the findings of the veterinarian doctor on 6 July 2007.

The JDC reviewed the testimony of the officers of the Canine Unit who alleged you had displayed inappropriately threatening behaviour towards Buddy and other dogs in the Unit, and considered that the alleged acts had not been sufficiently established. The JDC also considered that the link between the evidence of these alleged prior acts (such as not having a bonding relationship with your dog, giving improper hand and verbal commands), and the allegation of physical abuse of Buddy was not sufficiently established.

The JDC reviewed the surveillance tape but could not determine, from what the JDC considered to be indistinct images, whether your motions were menacing or constituted harassment.

Mr. Gamal Ibrahim  
Department of Safety and Security

The JDC then examined the statement of the Security Officer who testified that you kicked Buddy on 2 July 2007. Upon considering available evidence relating to this incident, the JDC expressed its doubts over the credibility of this statement after reviewing several aspects of the evidence relating to this incident. The JDC then examined the statements of both veterinarian doctors with a view to establishing whether Buddy's injuries could be imputable to physical abuse by you. The JDC stated that following a discussion on the discordant findings of the two veterinarian doctors, it considered that the evidence presented was not sufficient to establish that you were the perpetrator of the dog's alleged injuries. The JDC considered that although it was undisputed that the dog presented injuries when he was examined by the veterinarian doctor on 6 July 2007, the evidence was not conclusive as to the cause of these injuries and whether you were the perpetrator of these injuries. The JDC considered that the explanation given by you that the dog's injuries could have been work-related was plausible.

The JDC found the evidence to be factually insufficient in two aspects: (a) to prove that you were the cause of the canine's injuries; and (b) to prove that you had physically abused your canine partner. The JDC unanimously concluded that the evidence was not adequate to support the charge, and unanimously recommended that the Secretary-General drop the charge leveled against you.

The Secretary-General has examined your case in the light of the JDC's findings, as well as the entire record and the totality of the circumstances. The Secretary-General has decided to accept the conclusion of the JDC that the evidence was not adequate to support the charge against you, and accordingly, has decided to drop the charge leveled against you. Accordingly, no further action will be taken against you arising out of this matter.

In accordance with staff rule 110.4(d), any appeal you might wish to file in respect of the above decision should be submitted directly to the Administrative Tribunal.

Yours sincerely,

  
Asha-Rose Migiro