

**CONFIDENTIAL**

Reference: 2007/230

14 September 2007

Dear Mr. Koumoin,

The Ethics Office is in receipt of your request for protection against retaliation sent by email dated 5 September 2007.

Based on a review of the information that you submitted, the Ethics Office notes the following facts:

- You worked with UNDP-GEF in West Africa from 2003 until 31 December 2006.
- There were a series of email exchanges between you and your supervisor (copied to other managers in UNDP) from 2005 to early 2006 regarding clarifications sought and explanations provided for allocation of funds and resources to particular entities for specific projects.
- You received a performance assessment rating of “partially meets expectations” from your line supervisor in early 2006, with which you strongly disagreed.
- You commenced a rebuttal of the performance assessment in March 2006. (Information submitted fails to indicate what the Rebuttal Panel concluded regarding your performance evaluation).
- UNDP notified you on 23 March 2006 of its intention not to renew your contract when it was due to expire on 30 June 2006, based on your poor performance assessment.
- On 22 April 2006, you filed a formal request for administrative review of the decision not to renew your contract.
- Your contract seems to have been extended until the end of December 2006 pending completion of the rebuttal process and the Career Review Group deliberations.
- On 17 July 2006, you requested an investigation of alleged “misprocurement” pressures by your line supervisor related to the allocation of funds and resources.
- A response from the investigator dated 21 July 2006 concluded that there was no evidence to support the allegations and stated that the concerns you raised may be considered “management issues” and should be dealt with as such. Moreover, he concluded that the email exchanges between you and your supervisor regarding the allocation of funds were always copied to other relevant UNDP officials suggesting openness and transparency rather than any intent to allocate funds fraudulently.
- On 14 December 2006, you received a signed report entitled “Administrator’s Review of non-renewal and signed RCA Independent Panel of Reference’s Report (case KOUMOIN FY-2005), which you acknowledge by email dated 15 December

2006. In that email, you allege breaches of due process and also indicate your intention to raise the allegations of misprocurement pressures as an integral part of your performance rebuttal in your appeal to the JAB.

- You have an appeal pending before the Joint Appeals Panel (JAB) as of 15 February 2007.

The Ethics Office takes particular note that the communications between you and your supervisor, concerning the allocation of funds, were open and transparent, in that, several UNDP officials were always included in the recipient list. Additionally, on the basis of the information you submitted, it is clear that you have availed yourself of all the relevant recourse mechanisms in relation to the issues that you now raise to the Ethics Office. Furthermore, you are presently awaiting a decision on the merits of your case from the JAB. In light of the above, I believe that at this point in time, it would be best to await the decision of the JAB.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Benson".

Robert Benson
Director, Ethics Office