

TO: Mr. Ban Ki-moon, Secretary-General  
A: The United Nations

DATE: 16 November 2012  
REFERENCE: ID-

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SUBJECT: **Request for independent review of complaint into OIOS conduct**  
OBJET:

Dear Mr. Secretary-General,

1. I am writing to you to address significant issues related to an authorized investigation (Case 0303/11) conducted by the Investigations Division of the Office of Internal Oversight Services (OIOS/ID) regarding alleged misconduct in the ERP-Umoja project.
2. I have attempted on a number of occasions to address my concerns with the OIOS/ID Director, Mr. Michael Stefanovic regarding the bias displayed by the USG/OIOS, Ms. Carman Lapointe during the investigation. In particular, on 3 May 2012 during an OIOS/ID Quarterly review meeting of senior managers Ms. Lapointe reportedly stated that case 0303/11 was a "witch-hunt" and she was of the belief that she had instructed the investigation to be closed. I detailed my grave concerns regarding Ms. Lapointe's comments and the potential impact of her position during an ongoing preliminary investigation in interoffice memorandums dated 27 June and 8 August 2012. These memorandums were submitted to Mr. Stefanovic, however, he failed to address these concerns and the matter remains unresolved.
3. As the investigation was progressing it became apparent on the evidence collected that the former USG/DM, Ms. Angela Kane was implicated in possible wrongdoing. In accordance with procedures I requested the OIOS/ID Intake Committee to endorse my recommendation that Ms. Kane be identified as a subject in this investigation. After careful consideration and examination of the matter, Ms. Kane was recorded as the subject in this case, by the Intake Committee including Mr. Stefanovic.
4. On 17 September 2012, Ms. Kane was advised that she was an implicated staff member and as such she would be afforded full due process considerations, including the right to be interviewed and if necessary to review any draft investigative details prior to the finalization of an investigation report.
5. Two days later on 19 September 2012, Mr. Stefanovic took the unprecedented, irregular and unilateral decision to suspend case 0303/11. The normal course of events is for an investigation to be completed and then duly reported on as either a closure report or an investigation report.

*This memorandum is protected under paragraph 18 of ST/SGB/273 of 7 September 1994.*

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6. On 13 November 2012, as these concerns were still not resolved the matter was reported to the ASG/OIOS, Mr. David Kanja, outlining details of Ms. Lapointe's bias and further concerns regarding Mr. Stefanovic's irregular action in suspending the case. I specifically requested that Mr. Kanja forward these issues to you seeking an independent review of Ms. Lapointe's and Mr. Stefanovic's conduct.

7. Regretfully, Mr. Kanja responded to my request on 15 November 2012 stating "I do not agree with your conclusion that OIOS should refer this case elsewhere since OIOS has the mandate to handle all such cases and the actions that concern you were appropriately taken by OIOS senior managers in the normal course of their duties".

8. Since this is a complex case with thousands of pages of documentary evidence, it is unclear how Mr. Kanja reached any informed decision in such a short period of time. I am also unable to reconcile how Mr. Kanja believes that OIOS can review this matter internally when it concerns the conduct of the ASG/OIOS and the OIOS/ID Director. Clearly there is a conflict of interest and the matter must be addressed outside the office.

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As such I have extensive experience in the investigations field and I can categorically state that the comments and actions by Ms. Lapointe and Mr. Stefanovic in the context of case 0303/11 are not in the "normal course of managerial duties" as described by Mr. Kanja.

10. I have attached relevant supporting documents, including sensitive and strictly confidential OIOS/ID case material which requires restricted access.

11. Please note that I have shared my concerns with the Director of the Ethics Office, Ms. Joan Dubinsky.

12. As my sole concern is to ensure the integrity and accountability of this Office, and the serious consequences if this matter is not appropriately addressed, I am obligated to report this matter to you and respectfully request you undertake an independent review of my complaint.

13. I remain at your disposal if/when more detailed information is required.

Thank you and best regards.

Copy to:  
Mr. Jan Eliasson, Deputy Secretary-General  
Ms. Susana Malcorra, Chef de Cabinet