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DM

Note to Ms. Kane and Ms. O'Brien

Task Force on Investigations

1. Please refer to your note dated 1 October 2009 concerning the work of the Task Force on Investigations.
2. I see the timeline suggested for the review of the work of the Task Force as being realistic. I therefore look forward to receiving the final report from the working group by November as indicated in your Note.
3. In the framework of the guidelines provided by the Task Force meeting in May 2009, I encourage the Focal Points to resolve the technical issues and provide recommendations on the way forward to the principals before their next meeting.


Asha-Rose Migiro
16 October 2009

cc: Mr. Nambiar
Mr. Kim

29-10335

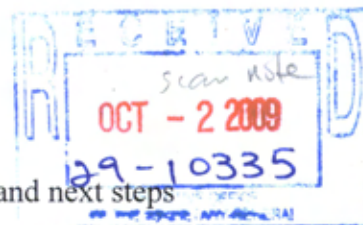


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Note to The Deputy Secretary-General



1. The purpose of this note is to provide you with the current status and next steps regarding the work of the Task Force on Investigations. ✓

Current Status

2. The first meeting of the Task Force Principals, under the Chairmanship of the Deputy Secretary-General, was held on 27 May 2009 (minutes attached). At that meeting, the scope of work of the Task Force was approved and it was decided that a Working Group be established to perform the Task Force work in two distinct stages. The first stage would be a review of the investigative function of the Secretariat excluding OIOS. The second stage would be the preparation of a report on Terms of Reference for a comprehensive review of investigations in the United Nations as a whole, including OIOS and the Funds and Programmes, for presentation to the General Assembly pursuant to paragraph 18 of resolution 62/247.

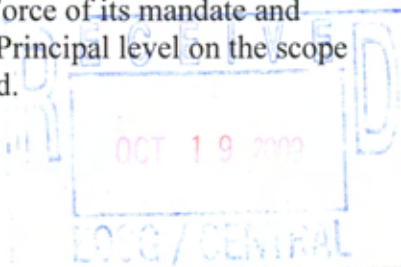
3. The Working Group met weekly through June and July 2009 and provided to the Deputy Secretary-General an update of its progress on 29 July 2009. This summarized the Working Group's preliminary findings in advance of completing its report on the first stage review and recommended that, on the issuance of such report, the Task Force Principals should then advise the Working Group on the parameters of the Terms of Reference.

Next Steps

4. During August 2009, discussions were held between our Offices and the Fifth Committee Secretariat on whether the Administration will be in a position to submit to the Assembly at its 64th session the report on the Terms of Reference called for in resolution 62/247, which is the second stage of the Task Force's work. From those discussions, it was concluded that the following steps would need to be completed prior to reverting to the Assembly with a report on the Terms of Reference:

i) The Working Group should complete its report on the first stage review of the Task Force's work. The Task Force Principals should then consider the report and provide the Working Group with the parameters, including purpose and scope, for the report to the Assembly on the Terms of Reference for a comprehensive review of investigations in the United Nations.

ii) Pursuant to paragraph 18 of resolution 62/247, the Terms of Reference are to "[take] into account the role and mandate of the Office of Internal Oversight Services". The resolution anticipates that the comprehensive review will therefore include OIOS and requires the report on the Terms of Reference to be prepared "in close cooperation with" OIOS. It is noted that OIOS has repeatedly expressed reservations over the review by the Task Force of its mandate and agreement will need to be reached with OIOS at the Principal level on the scope of the Terms of Reference before they may be drafted.



iii) Pursuant to paragraph 18 of resolution 62/247, the Terms of Reference are to cover a "comprehensive review of investigations in the United Nations". The resolution therefore anticipates that the comprehensive review will include the Funds and Programmes. If the Task Force seeks to incorporate the Funds and Programmes in the comprehensive review, the Terms of Reference must reflect this. Consequently, prior agreement must be secured with the Executive Heads and, to the extent that they agree, the Task Force's membership should include them and focal points be identified for the Working Group.


iv) If the work of the Task Force is to remain focused only on the Secretariat, the Working Group should proceed to prepare the report on the Terms of Reference in line with the guidance provided by the Task Force Principals and the provisions of paragraph 18 of resolution 62/247. It should be noted that paragraph 18 of that resolution requires the report on the Terms of Reference to take into account the following matters:

- a) role and mandate of the Office of Internal Oversight Services as established in its resolution 48/218 B;
- b) the framework for investigation adopted in section IV of its resolution 57/282 and in its resolution 59/287;
- c) the reform of the system of administration of justice, the decisions of the Assembly to strengthen the investigation function of the Office of Internal Oversight Services;
- d) its decisions on the accountability framework, results-based management, enterprise risk management and the internal control framework.

Conclusion

5. The Working Group's report for the Task Force Principals on the first stage review of the Secretariat is anticipated for November 2009. Once the Principals have considered the report and the matters outlined above have been settled, the report on the Terms of Reference can be drafted. Since a number of those matters are still pending before the Assembly, it is anticipated that they will be resolved during the forthcoming session and the Terms of Reference drafted thereafter.


Patricia O'Brien
1 October 2009


Angela Kane
1 October 2009

cc. Mr. Nambiar
Mr. Kim

TASK FORCE ON INVESTIGATIONS

First Meeting of Focal Points – Friday 5 June 2009, 12 pm

In attendance: Ms. Patricia O'Brien, Under-Secretary-General for Legal Affairs (to open)
Mr. Tuvako Manongi, Principal Officer, EOSG
Ms. Alexandra Barahona-Posada, Associate Officer, EOSG
Mr. John Logan, Chief, Compliance, Evaluation and Monitoring Section
Ms. Marie-Anne Martin, Chief, Conduct and Discipline Unit, DFS
Mr. Michael Dudley, OIC, Investigations Division, Office of Internal Oversight Services
Ms. Helene Thorup-Hayes, Senior Officer, Office of the Controller
Mr. Mario Baez, Chief, Policy and Oversight Coordination Unit
Mr. Edric Selous, Senior Legal Officer, Office of Legal Affairs
Ms. Asiri Mawalagedera, Associate Legal Officer, Office of Legal Affairs

The Meeting was opened by Ms. O' Brien.

The Meeting commenced with discussion on the Scope of Work. Clarification was requested on why the Scope of Work went beyond paragraph 18 of GA resolution 62/247 which requested terms of reference for a review of investigations. It was explained that a decision had been made by the Task Force Principals to undertake an internal review of the investigation function within the Secretariat before elaborating terms of reference. The Funds and Programmes would not be included in this review. It was suggested that the Offices Away from Headquarters be included.

Composition of the Task Force was discussed. The Meeting was informed that Staff Representatives had expressed an interest in the work of the Task Force. It was noted that OIOS was in contact with the same representatives on related matters and further suggested that their comments be fed into the Task Force and the Staff Representatives be notified as such. It was further noted that it was important to take into account the Staff Representatives' views but this did not require their attendance at the meetings of the Task Force. Following discussion, the Meeting agreed that the Scope of Work could be shared with the Staff Representatives and their input requested but they would not be invited to participate in Task Force meetings at this stage. The Meeting's suggestion would be put forward to the Task Force Principals for decision.

Data collection was discussed. The attendees were requested to review the Report of the Secretary-General on Information requested in paragraph 17 of General Assembly resolution 62/247 (A/63/369), in particular Section III (Entities other than OIOS that carry out administrative inquiries and investigations). The Meeting established that the Report had been prepared by DM. It was agreed that the data contained in Section III be updated by each office/department in attendance to include statistics for 2008 and this be provided to OLA. The Meeting discussed which data was to be included, including whether additional categories of employees besides staff members should be included. The Meeting agreed that

all employees whose cases were able to go through the Administration of Justice system should be included. It was noted that 1/3 of DSS staff had UNDP contracts but investigations in this regard were undertaken by DSS and that this should potentially be identified in a different section. It was agreed that DSS would review the staff investigation unit data for ICTY and ICTR (excluding war crimes data).

Deficiencies within the investigative function were discussed. The Meeting noted that the following were the main deficiencies (i) inconsistent terminology regarding investigations (ii) disparity in methodology for preparing investigation reports (iii) lack of clarity regarding due process rights. There was discussion regarding there being a general lack of understanding on what an investigation is and its purpose. It was noted that, in the view of certain attendees, an investigation was for the purpose of bringing a charge against a staff member. It was also noted that investigations should relate to the breach of a Staff Regulation or Rule or administrative issuance. In response, it was further noted that this definition would exclude many investigations carried out by DSS, for example, for the purposes of accident prevention or improving security. The Meeting agreed that it would be of benefit to collate and make consistent all terms used within investigations (eg. fact finding, investigation, inquiry, complaint).

Prior to conclusion of the Meeting, it was recalled that (i) the suggestion to share the Task Force Scope of Work with Staff Representatives would be presented to the Task Force Principals for decision (ii) the relevant attendees would review and update the data in Section III of Report A/63/639 to reflect 2008 statistics (iii) the attendees would consider deficiencies in their investigative process and send to OLA for discussion at the next Meeting.

The next Meeting was scheduled for Friday 19 June at noon. The Meeting concluded.

TASK FORCE ON INVESTIGATIONS

Second Meeting of Focal Points – Tuesday 24 June 2009, 12 pm

In attendance: Mr. John Logan, Chief, Compliance, Evaluation and Monitoring Section
Ms. Marie-Anne Martin, Chief, Conduct and Discipline Unit, DFS
Mr. Michael Dudley, OIC, Investigations Division, Office of Internal Oversight Services
Ms. Lynne Rosenberg, Human Resources Officer, OASG/OHRM
Mr. Steven Dietrich, ALU/DM
Ms. Susan John, Ethics Officer, Ethics Office
Mr. Edric Selous, Senior Legal Officer, Office of Legal Affairs
Ms. Asiri Mawalagedera, Associate Legal Officer, Office of Legal Affairs

The Meeting commenced with a discussion on the data requested by OLA at the previous meeting. It was noted that three attendees had submitted certain requested information. Opinion was divided on whether the Task Force should include hard data or narrative in its submission in this regard. It was agreed that it would be useful to update the data in Section III of the Report of the Secretary-General on Information requested in paragraph 17 of General Assembly resolution 62/247 (A/63/369) in order to understand the volume of investigations work being conducted. It was noted that clarification was required on the data in Section III as the figures seemed low and may not be a fully accurate estimate of relevant investigations work. It was noted that ALU/DM drafted the report and, therefore, agreed that OHRM would approach the relevant Heads of Department cited in the above Report to collect updated data for 2008.

The importance of common terminology for the purposes of data collection was discussed. It was noted that there was no commonality of terminology between UN departments (for example, complaint vs. allegation vs. an inquiry) and agreed that this was important for data collection purposes. Discussion continued on which figures should be used to record number of investigations undertaken. In this regard, it was noted that investigations into performance management or resource allocation should not be considered an investigation for these purposes. It was agreed that data on preliminary fact-finding which an allegation/complaint requires would not be included in the report but some narrative should be inserted. It was agreed that it was important to gather the data regarding St/SGB 2008/5 "Prohibition of discrimination, harassment, including sexual harassment and abuse of authority" and that OHRM would do so. The importance of capturing the figures for administrative actions which were not referred to ALU for assessment (for example, resulting in censure) was noted. It was further noted that an investigation should relate to a charge and that it was possible to gather figures of charges for the last five years. However, the unique situation of the Ethics Office was noted and it was agreed that the Ethics Office investigations would be treated separately in the report. It was agreed that every investigation resulted in a report and that the data should be based on investigation reports produced.

Separately, it was noted that some DSS investigation figures would relate to UNDP staff members as a portion of DSS staff had UNDP contracts although investigations were undertaken by DSS. It was agreed that this would be footnoted in the report.

Regarding terminology, it was noted that the term "investigation" is emotive to staff members and in certain offices this was therefore called "fact-finding". The need for a common name for the process conducted prior to the production of an investigation report was noted.

Due process rights were discussed. It was noted that clarification was required on the point during the process at which due process rights kicked in.

The possibility of a central intake body for complaints was discussed. It was noted that complaints were often sent to multiple offices by a staff member and could result in duplication of work. The possibility of creating a central intake body which would serve as a repository for receiving all complaints was discussed. It was noted that this would allow all relevant offices to be aware of a complaint and, further, that this may assist in ensuring that every complaint was responded to.

The possibility of all offices using the same case management software was discussed. Confidentiality of complainants was discussed. It was noted that the software could be designed such that each office would have different levels of access to complaint information to ensure confidentiality. Again, the need for a separate review for the Ethics Office was noted.

The importance of the Department Head remaining the first line of responsibility for dealing with complaints of their staff members was noted. The possibility that Department Heads would automatically refer all complaints to such body rather than deal with them internally was discussed. It was further noted that this would not necessarily be the result of having a central repository as it could decide to send a complaint back to the Department Head for action. The meeting was informed that DSS had standardized case-intake criteria using risk assessment and that below a certain threshold the matter is sent back to the programme manager. It was noted that more offices could use this method.

The Meeting was informed of the difference in process in the Field Missions. It was noted that Conduct Discipline Units received complaints and the investigation was conducted under the authority of the Head of Mission.

It was agreed that it would be preferable for one reporting style to be used in all investigations reports and a common standard of review on how departments/offices dealt with complaints. The possibility of recommending production of an Investigations Manual for Category II cases was noted.

Prior to conclusion of the Meeting, it was agreed that (i) OHRM would provide 2008 data updating Section III of Report A/63/369; and all attendees would consider and circulate by email details on (ii) the process followed by their office after receipt of a complaint (iii) major deficiencies in their own investigation process (iv) how to structure the Task Force report and (v) views on a central intake body.

The next Meeting was subsequently scheduled for Wednesday 1 July at 12:30pm.

TASK FORCE ON INVESTIGATIONS

Third Meeting of Focal Points – Wednesday 1 July 2009, 12:30 pm

In attendance: Mr. Mario Baez, Chief, Policy and Oversight Coordination Unit, DM
Ms. Adele Grant, OHRM/DM
Ms. Susan John, Ethics Officer, Ethics Office
Mr. John Logan, Chief, Compliance, Evaluation and Monitoring Section
Ms. Susan Maddox, OHRM/DM
Ms. Marie-Anne Martin, Chief, Conduct and Discipline Unit, DFS
Ms. Asiri Mawalagedera, Associate Legal Officer, Office of Legal Affairs
Ms. Lynne Rosenberg, Human Resources Officer, OASG/OHRM
Mr. Edric Selous, Senior Legal Officer, Office of Legal Affairs

The Meeting commenced with discussion on the new draft administrative instruction on disciplinary procedures proposed to replace ST/AI/371. It was noted that there was overlap between the work of the Task Force and many of the issues addressed in the new AI. Consideration was therefore given to whether the Task Force should simply feed into the process for the drafting of the new AI. It was decided that the Task Force process should not hold up the process for the drafting of the new AI and agreed that the Task Force should look at the conduct of investigations and also intake of complaints. It was suggested that a central intake committee be considered. It was decided that the new AI should be used as a basis for the Task Force's recommendations on improving the process.

The creation of a panel to deal with investigations and report production was discussed. It was noted that the poor quality of investigations reports was problematic. It was suggested that this could be improved with standardized tools of investigation and reporting. It was noted that the presence of professional judges in the new Administration of Justice system would further increase the importance of process.

It was noted that that a team of specialists from various backgrounds (including potentially police/military backgrounds), with good writing skills and the ability to present arguments in a legal context would be useful. Suggestions on the hiring of external specialists or using staff members who were released full-time to serve on the panel were discussed. It was commented that people with knowledge in the relevant area would be most useful and thus internal people should be used. The possibility of utilizing senior retired personnel was emphasized. The difficulty in ensuring the release of staff members to serve full time was noted and if, therefore, a staff panel was to be constituted, heads of department would need to be instructed to release their staff. It was suggested that the process could mirror the staffing of peacekeeping missions whereby a staff member would service the panel for a fixed period whilst retaining a lien on their regular post. It was further suggested that the responsibility of staffing an investigation could be placed on the heads of department initiating such investigation, who could also make a recommendation to the Deputy Secretary-General on the composition of the panel they required.

It was noted that DSS and OIOS had expertise in investigations and suggested that investigations be led by them. It was noted that, although OIOS has the mandate for investigations, it could not be

forced to carry out an investigation given its independent status. It was further noted that costly reform recommendations would likely not be accepted.

It was agreed in concluding that a multi-disciplinary standing pool was required to deal with investigations and this would be a "cost-neutral" recommendation to be made by the Task Force. It was noted that variations on this proposed recommendation could be made but may be more costly.

The issue of intake was discussed. It was suggested that a standing intake body be constituted and its membership trained in investigations. It was noted that the membership would alter when staff left the Organization thus preventing the creation of an institutional memory and requiring new members to be trained. It was suggested that, instead, OIOS/DSS decide where complaints are channeled and whether they require investigation. This would prevent duplication of investigations or no action being taken on complaints. It was noted that the use of the same case management software by all departments could solve this. It was further noted that a single body would assess complaints according to the same criteria thus removing the subjectivity which existed in the current system, in particular regarding the distinction between Category I and Category II cases. The assessment process would also be faster. It was suggested that a representative of the Ethics Office attend each meeting of the intake body.

It was noted that all allegations of misconduct were required to be reported to OIOS and suggested that OIOS therefore act as the central intake body. It was noted that OIOS was not present at the meeting and suggested that the possibility of OIOS acting as the central repository for complaints be discussed.

It was agreed in concluding that there be a central intake body for investigations and its specific responsibilities be discussed further. It was proposed that the body include a "secretariat" of general service staff for the inputting of basic data on each complaint. It was further proposed that each complaint have appropriate levels of confidentiality attached.

It was noted that the proposed process may suit complaints in Headquarters which were relatively few but would not suit complaints in the field. It was further noted that the recommended process could mirror the CDUs in the field.

Prior to the conclusion of the Meeting, it was agreed that the attendees would (1) review the text of Report A/63/369 and provide proposed changes to the text regard the mandate of their office/department (2) review the new draft AI and provide proposed revisions, e.g., training (3) consider the recommendation for a central intake body and the potential mirroring of CDUs in the field.

The next Meeting was scheduled for Wednesday 8 July 2009 at 12:30 pm.

TASK FORCE ON INVESTIGATIONS

Fourth Meeting of Focal Points – Wednesday 8 July 2009, 12:30 pm

In attendance: Mr. Mario Baez, Chief, Policy and Oversight Coordination Unit, DM
Ms. Alexandra Barahona-Posada, Associate Officer, EOSG
Ms. Adele Grant, OHRM/DM
Ms. Susan John, Ethics Officer, Ethics Office
Mr. John Logan, Chief, Compliance, Evaluation and Monitoring Section
Ms. Susan Maddox, OHRM/DM
Ms. Marie-Anne Martin, Chief, Conduct and Discipline Unit, DFS
Ms. Asiri Mawalagedera, Associate Legal Officer, Office of Legal Affairs
Ms. Lynne Rosenberg, Human Resources Officer, OASG/OHRM
Mr. Edric Selous, Senior Legal Officer, Office of Legal Affairs
Ms. Helene Thorup-Hayes, Controller's Office

The Meeting commenced with discussion on the Task Force's output for 31 July 2009. The meeting was reminded of the background to paragraph 18 of General Assembly resolution 62/247 in the context of the role of the Task Force. The meeting was also reminded that the Task Force principals would be provided with a proposal to send the Scope of Work to Staff Union representatives. A draft report structure drafted by OLA was circulated. It was agreed that the headings in bold should remain and that the attendees would submit comments on the structure and remaining text. It was agreed that ALU would provide wording for the section on the current disciplinary process under ST/AI/371. It was also agreed that the Task Force would recommend revision of ST/AI/371.

Intake was discussed. It was agreed that the Task Force would recommend a central intake body with details to be agreed upon. The possibility of using OIOS' central intake committee was discussed. It was noted that, although it was mandated that complaints be reported to OIOS, OIOS had a high vacancy rate and seemed to lack capacity. It was noted that, in the field, General Assembly resolution 59/287 was being implemented and an understanding with OIOS existed as to how the investigation of cases was divided. Opinion was divided on the advantages of a central intake body and, in this regard, it was noted that it may create an additional unnecessary layer in the process. It was also noted that a central intake body would, however, provide more cohesion and enable the use of "standard operating procedures" throughout Headquarters. There would also be greater consistency in distinguishing between Category I and Category II cases. Modeling the headquarters process on the CDU system used in the field was discussed. It was agreed that DSS would draft the recommendation regarding the central intake body.

A panel on investigations was discussed. It was agreed that the Task Force would recommend the creation of a standing investigative body with details to be agreed. It was agreed that this would consist of a finite pool of individuals trained to carry out investigations according to standardized procedures, including the use of a uniform report format. Programme Managers would select staff members according to availability. It was suggested that the OIOS Manual be reviewed in the context of Category II cases and the Manual be promulgated.

Due process rights were discussed. It was agreed that further discussion was required regarding due process rights, particularly with respect to the harmonization of rights between Headquarters and the Funds and Programmes. It was noted that the Task Force's recommendation should try to support the new administrative instruction replacing ST/AI/371.

Prior to the conclusion of the Meeting, it was agreed that the attendees would review the draft structure and provide comments and revisions to OLA. In particular, DSS would provide wording for the recommendation on the central intake body and ALU for the section on the current disciplinary process under ST/AI/371.

The next Meeting was scheduled for Wednesday 15 July 2009 at 12:30 pm.

TASK FORCE ON INVESTIGATIONS

Fifth Meeting of Focal Points – Wednesday 15 July 2009, 12:30 pm

In attendance: Mr. Mario Baez, Chief, Policy and Oversight Coordination Unit, DM
Ms. Alexandra Barahona-Posada, Associate Officer, EOSG
Ms. Adele Grant, OHRM/DM
Ms. Susan John, Ethics Officer, Ethics Office
Mr. John Logan, Chief, Compliance, Evaluation and Monitoring Section
Ms. Susan Maddox, OHRM/DM
Ms. Marie-Anne Martin, Chief, Conduct and Discipline Unit, DFS
Ms. Asiri Mawalagedera, Associate Legal Officer, Office of Legal Affairs
Ms. Lynne Rosenberg, Human Resources Officer, OASG/OHRM
Mr. Edric Selous, Senior Legal Officer, Office of Legal Affairs

The Meeting commenced with discussion on whether the Task Force Scope of Work should be provided to Staff Union Representatives. It was noted that Staff Representatives are aware of the Task Force process and had expressed an interest in being involved. It was agreed that the Focal Points would inform the Principals of the interest the staff representatives have shown in the work of the Task Force and seek their advice on the level of input, if any, Staff Representatives should give to the Task Force process, including whether the Scope of Work and/or draft report should be circulated to them for comments.

The report to Principals was further discussed. The content of the submission was discussed. It was agreed that an outline of the proposed report structure should be submitted and a "work in progress" update provided. It was noted that the DGACM had a slot for the report on the Terms of Reference, but that it was unlikely in view of the work required by the Focal Points and Task Force itself, that the slot would be met.

Data to be included in the report was discussed. It was recalled that ALU would provide 2008 statistics for Section III of the Report of the Secretary-General on Information requested in paragraph 17 of General Assembly resolution 62/247 (A/63/369) regarding Programme Managers and Heads of Department.

The creation of a central intake body (CIB) was discussed. The following points were discussed: (i) the creation of a sitting central intake body, with details to be decided (ii) a "virtual intake" system using common case management software (iii) the use of OIOS' central intake committee and (iv) outsourcing intake. With regard to outsourcing intake, it was explained that a standardized questionnaire on which all complaints are submitted would be agreed with the outsourcing party and then used to assign complaints for investigation. It was suggested that the Task Force consider: (i) making complaints non-receivable for the purposes of investigations if they have not been first submitted to the CIB, although complaints could still be submitted to other bodies if, for example, mediation/counseling was necessary; and (ii) OIOS reviewing complaints first and taking Category I cases for themselves to investigate, with the remainder to be submitted to CIB. It was agreed that a CIB would be useful in ensuring: (i) consistency in process, terminology and the distinctions made

between Category I and II cases; (ii) that all complaints are dealt with; and (iii) that duplication of work does not occur between different investigative offices.

It was noted that as the UN was a global organization a CIB could become cluttered. It was further noted that the process would need to be managed. It was noted that the CDU process works well in the field and this could be mirrored in Headquarters.

It was noted that the Task Force should emphasize the importance of managerial responsibility of each Programme Manager and the importance of such Managers dealing with complaints at an early stage before they increase in severity. It was noted that this could be a recommendation of the Task Force.

The option of recommending a standing investigative body outside of OIOS was discussed. The possibility of creating a standing investigative body, comprising a pool of lay staff members trained by OIOS was discussed. The pool would include individuals with different specializations. Designation to the pool could operate like jury duty so, if designated, a staff member would be required to be released by department heads for the investigation. It was noted that they could be "on call" for different time periods, perhaps monthly. It was noted in this regard that: (i) the caseload would be unpredictable; (ii) department heads must be required to release staff; (iii) the body would need to be managed and (iv) sufficient numbers of staff would need to be trained to ensure sufficient availability. The possibility of using an expert investigative body, composed of externally recruited experts, was discussed. It was noted in this regard that the Administration of Justice system has been professionalized and this would mirror that.

OIOS not fully fulfilling its investigative mandate was discussed. It was noted that OIOS was running a high vacancy rate. The possibility of recommending that OIOS be instructed to fulfill its mandate was discussed. It was noted that under its mandate OIOS is not required to investigate all complaints although the implication in the resolution was that it would review them.

Due process rights were discussed. There was consideration of promulgating the OIOS Manual to ensure harmonization of staff rights and the points at which due process protections are necessary. It would be necessary to review the Manual to ensure that it was appropriate for Category II cases also.

Prior to the conclusion of the Meeting, it was agreed that (1) all Focal Points would review Section III of the Report of the Secretary-General on Information requested in paragraph 17 of GA resolution 62/247 (A/63/369) and provide updated text if required and updated data to reflect cases for 2008. ALU would provide data for Programme Managers/Heads of Departments (2) all Focal Points would review the draft report structure circulated at the 4th meeting and provide comments; (3) DSS would provide revised and expanded wording on the CIB recommendation; (4) ALU would revise the section on the current disciplinary process under ST/AI/371; and (5) OIOS would provide the wording for the recommendation on a standing investigative body and on the section on issues/problems in the outline structure.

The next Meeting was scheduled for Wednesday 22 July 2009 at 12:30 pm.

TASK FORCE ON INVESTIGATIONS

Sixth Meeting of Focal Points – Wednesday 22 July 2009, 12:30 pm

In attendance: Mr. Mario Baez, Chief, Policy and Oversight Coordination Unit, DM
Ms. Adele Grant, OHRM/DM
Ms. Susan John, Ethics Officer, Ethics Office
Mr. John Logan, Chief, Compliance, Evaluation and Monitoring Section
Mr. Yaron J. Lubetzkey, Financial Management Officer, Office of the Controller
Ms. Susan Maddox, OHRM/DM
Ms. Asiri Mawalagedera, Associate Legal Officer, Office of Legal Affairs
Mr. Edric Selous, Senior Legal Officer, Office of Legal Affairs

The Meeting commenced with discussion on the progress report and minutes that had been circulated prior to the meeting. It was explained that due to time constraints and the fact that the work of the focal points has not been completed, the Task Force should be provided with a progress report indicating the major recommendations identified to date. It was further explained that two issues would be put to consideration by the Task Force: i) the decision on whether to include staff representatives; and ii) the extension of the work of the focal points beyond 31 July 2009.

The Investigations Manual was discussed. The need for an investigations manual covering all investigations was endorsed and it was pointed out that having two manuals (for Category I and Category II) would be impractical and create grounds for appeal due to inequality of treatment etc. The need for greater authoritative instruction for cooperation with Category II investigations was explained. It was further explained that there is a need to have a discussion with OIOS on promulgation of a manual as an administratively binding document with legal status, although it was acknowledged that it would be difficult to amend and update the manual, once promulgated.

The issue of staff representatives was discussed. Arguments were advanced in favor of and against including staff representatives in the process. Those in favor pointed out that including them would ensure cooperation in generating consensus and cooperation during the second stage when consultation is mandatory. Those against pointed out that it is too early in the process to get staff representatives involved since the focal points are still generating ideas. It was further pointed out that the New York Staff Union is fractured and there is currently no group to replace the disbanded SMCC Contact Group on Administration of Justice Issues that had previously met with DM. It was suggested, therefore, that output could be shared once the focal points have completed their work. Consultations with staff representatives could then follow and any comments that are generated be relayed to the Principals. It was agreed that this would be suggested to the Principals.

The intake body was discussed. It was explained that having a committee jointly with OIOS may not be feasible due to confidentiality issues. Having a virtual body with case management software was discussed as a possible alternative. It was suggested that the final decision must be acceptable to OIOS since it is mandated to take responsibility for all investigations and to entrust certain investigations to programme managers on its behalf. It was noted that any central intake body would need a secretariat and make decisions on where complaints should be directed. A suggestion

was made that all complaints should be sent, not to the mandated offices, but to the central intake body directly. Where necessary, complaints would be referred back to programme managers. Having such a central intake body would provide objective data on the number of complaints and the length of investigations, as well as on the responsiveness of programme managers. It was noted that OIOS could provide the first filter for such complaints, which would ensure their operational independence.

A conceptual problem with how a virtual body with case management software would work was discussed. The question was raised as to whether new software, e.g., Prodagio would be able to accommodate this. It was explained that DSS had designed something similar for auditing UNDP. It was suggested that it should be a recommendation to the Principals that if they like the idea of a central intake committee, the focal points would need to provide a more detailed study on the matter.

The issue of OIOS and resources was discussed. It was explained that OIOS was created with a specific legislative mandate for investigations after the disciplinary process in ST/AI/371 was created, however, OIOS never took over all investigations. It was further explained that OIOS has said that it does not have the resources to go through all Category II complaints and that it will only deal with Category I complaints under the current arrangement. It was pointed out that if the focal points recommended that OIOS process every complaint, OIOS would have to find additional resources. It was suggested that various options should be listed under Recommendations for the Principals to choose.

The issue of time constraint was discussed. It was noted that the mandate of the Task Force ends in one week. It was suggested, therefore, that the focal points seek an extension of their mandate from the Principals.

Prior to the conclusion of the Meeting, it was agreed that: i) the progress report would be finalized by Friday, July 24, 2009 because the report needs to be submitted to the Task Force by Wednesday, 29 July 2009; ii) attendees would provide input on the progress report if anything is missing; and iii) attendees would email OLA that they are happy with the progress report even if they do not have comments.

No further meeting was scheduled.