

FINAL REPORT

Review of the OIOS Investigations Division, United Nations

**Submitted to the Under-Secretary-General
of
Office of Internal Oversight Services
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EXECUTIVE SUMMARY

This report presents the findings and recommendations of the review of the Office of Internal Oversight Services (OIOS) Investigations Division (ID/OIOS) conducted during the period from 15 March 2007 – 15 June 2007.

ID/OIOS is the largest investigative unit in the United Nations (Organization), conducting administrative and preliminary investigations of wrongdoing within the Organization. There are a number of other independent investigative units within the Organization's agencies and programs. However, there are no uniform guidelines, standards of operations or proceedings amongst the ID/OIOS and these other investigative units. Nor is there any written structural overview of the different investigative units and the ways in which they ought to interact with one another. As such, the limitations of authority between the investigative units have not been properly delineated.

ID/OIOS is organized as one of three divisions within OIOS and has (as of 31 May 2007) 53 investigators. The number of ID/OIOS staff increased from 5 persons in 1994 to 16 in 2002; 24 in 2004; and 116 in 2007 which includes supervisors, investigators, investigative assistants, legal editors, language assistants, administrative staff, missions personnel and the Procurement Task Force (PTF) investigators, there are 116 personnel. The decision to place resident investigators in peacekeeping operations and to establish the PTF represented a major increase in staff.

In 1994, the mandate for this internal investigations division was given by the General Assembly in A/RES/48/218B (Annex 1) and is still valid. Pursuant to the mandate ID/OIOS is responsible for investigating reports of violations, e.g., fraud, corruption, waste and abuse, of the rules and regulations of the Organization as a whole, including the Secretariat and all programs and agencies of the Organization. ID/OIOS is also responsible for conducting investigations and assessing violations in high risk operations. The present focus of ID/OIOS seems to be on the former rather than the latter.

ID/OIOS does not have an independent budget and is therefore dependent on the Secretariat for its respective funding. In peacekeeping operations the investigative work in the missions is funded by the Department of Peacekeeping Operations (DPKO). This system of various sources of funding inevitably creates potential conflicts of interest.

ID/OIOS is neither a police unit nor a prosecuting authority within the Organization. It has no decision-making authority with regard to disciplinary or administrative matters nor does it have any adjudicative power. The main role of ID/OIOS is to: 1) conduct fact-finding investigations of complaints and alleged violations of the regulations, rules or issuances of the Organization; and 2) make recommendations based on its fact-findings.

In the course of investigations, ID/OIOS has access to all Organization staff, documents and materials (including e-mail and electronic files). After the investigation has been conducted, ID/OIOS reports its findings and recommendations to the Program Manager. The Director for ID/OIOS reports to the Under-Secretary-General of OIOS. Because the recommendations of ID/OIOS are purely advisory and non-binding, the Program Manager is responsible for deciding the next course of action, e.g., taking action on the findings or referring the matter for administrative or disciplinary action. However, the Program Manager is not obligated to follow any of the recommendations. Once the Program Manager decides, the report is submitted to OIOS, and in some instances the General Assembly, for further action. Allowing the decision to reside in a single individual, i.e., the Program Manager, creates the potential for miscarriages of justice where in spite of evidence of serious wrongdoings in violation of Organization rules and regulations, no disciplinary or criminal action is taken against an alleged perpetrator.

ID/OIOS investigators operate in extremely difficult environments, in part a result of: 1) a lack of a coherent and efficient functioning judicial system within the Organization; 2) diffuse limitations of authority amongst the various investigative and adjudicative units of the Organization's programs and agencies; 3) a lack of understanding of the mandate and the power accorded to ID/OIOS investigators; 4) unrealistic expectations of what the investigators can contribute given the limitations of the working environment and the department more generally; 5) culture challenges; 6) language difficulties; and 7) a lack of knowledge of the final results of their work.

Additional challenges are common to the Organization generally, that is, operating in an environment with under-developed infrastructures, threats or unsafe conditions to staff members, political instability as well as a host of other related conditions. It is worth noting that some common investigative methods and findings may not be applicable to certain situations due to the inability to obtain adequate information. For example, investigating procurement fraud or corruption depends upon knowledge of and access to vendors and other witnesses outside the Organization and can therefore be difficult or sometimes impossible to conduct.

In addition to external difficulties, ID/OIOS suffers from an ineffective and unclear structure, lack of independent budget and limited to no administrative support (check in and separating procedures, travel arrangements, etc.), poor management, conflicts at the senior management level, lack of communication inside ID/OIOS as well as with stakeholders and clients of ID/OIOS, lack of standard operating procedures and constant disagreements with regard to the scope of some of the investigative procedures of the division. This has obviously resulted in instability, high turnover rates and non-optimal working conditions for investigators.

An additional obstruction to effective case management and investigation is a byproduct of a volatile management style (to be discussed in further detail in Part B) that is driven by an obsessive and excessive need for confidentiality on par with the style of intelligence organizations. A micromanagement style inherited from the former Director of ID/OIOS (hereinafter Former Director) was developed over a period of time when the

Organization was facing challenges that were caused by increasing numbers of allegations of corruption, fraud and abuse of authority and serious misconduct from within. While there are many areas in which improvements are required, the most important area is the leadership of the division. That is, fostering a positive working environment by focusing on the tone at the upper levels of management and cultivating a relations-oriented management style are key factors to the success and growth of ID/OIOS.

Over these past years then, before the Acting Director came on board, ID/OIOS had also been a breeding ground for certain senior managers who essentially destroyed the trust and reputation of the division over time as a result of what seemed to be their designs for power and control. ID/OIOS has been, and to a certain extent is still, micromanaged by top management (i.e., Directors, Deputy Directors), depriving mid-level supervisors (i.e., Chief Resident Investigators and Operations Managers) of the authority required to oversee and manage investigations. This makes it difficult to carry out timely and high quality investigations, and furthermore, to retain and recruit investigators with the skill and expertise demanded by the difficult tasks investigators are asked to perform.

Many of the findings described in this report will not be of any surprise to the investigators in ID/OIOS and some of the clients of ID/OIOS, but rather, have been common knowledge within the Organization for a number of years. In 2006, with the resignation of the first and only ID/OIOS Director in the history of the division, i.e., the Former Director, it became evident that implementing major changes would prove to pose a considerable challenge as a result of the longstanding practices of command and control micromanagement and leadership. The rapid growth in the number of investigators posed yet another challenge to fundamental reforms within ID/OIOS.

The lack of effectiveness and high quality work of ID/OIOS is of critical importance because it affects the overall functioning of the Organization. First, it is detrimental to the Organization's ability to manage and detect corruption, fraud and other serious offenses, which has in recent years damaged the reputation of the Organization and has engendered a sense of mistrust. Second, it impedes the ability of the Organization to combat and prevent future instances of wrongdoing.

Undeniably, major change and reform is needed in order to rebuild the trust and the reputation of ID/OIOS as a whole. Most of the recommendations provided in this review speak to the need to establish mechanisms of high quality performance and efficiency, creating a working environment in which investigators are able to carry out their work in a fair and competent manner without the major internal obstructions which currently exist. These recommendations cover the topical areas of organizational structure, management, operational practices, quality management, activities to ensure the required competencies of ID/OIOS investigators and the division itself. All of the recommendations are directed towards the broader aim of improving the fight against corruption, fraud, abuse and waste within the Organization.

The most sweeping reform recommendation in this review is the creation of an entirely new internal Investigative and Integrity Unit (IIU) within the Organization to replace the current ID/OIOS. Part D of this review is entirely devoted to a detailed explanation of structure, function and mechanisms of the IIU. In order to establish an ideal unit as envisioned by the IIU, not only would considerable internal restructuring have to occur, but external controls would also have to be implemented and overseen by representatives from other areas of the Organization. The IIU would be responsible for investigations. Additionally, the IIU would possess the authority to conduct internal prosecutions of cases involving corruption, fraud, waste and abuse, committed by any Organization staff member in accordance with the highest standards of professionalism, quality and fairness and due process. In terms of operational independence, the IIU's funding would come from the General Assembly and would therefore report solely and directly to the General Assembly. The primary purpose of the creation of the IIU would be to ensure a fully independent mechanism that would strengthen trust in the Organization's dedication and ability to fight corruption, fraud and other serious wrongdoing within the Organization.

Given the practical implications and limitations of creating IIU, IIU recommendations are self-contained to Part D of this review, while the majority of recommendations that have been offered in this report address improvements which are capable of being implemented within the organizational structure of ID/OIOS as it exists today.

PART A:

Introduction, scope of work and methods and framework used

Introduction

OIOS was established in 1994 under the terms provided by the General Assembly resolution A/RES/48/218 B (Annex 1). The responsibilities of OIOS include monitoring, internal audit, inspection, management consulting and learning, evaluation and investigation. ID/OIOS is an investigative arm of OIOS which conducts investigations of allegations of employee misconduct, abuse of authority, payment of kickbacks, embezzlement of funds and waste and mismanagement of the Organization's resources.

The purpose of this review of ID/OIOS is to analyze and evaluate the current effectiveness, management, organizational structures and the operational practices of ID/OIOS in discharging its mandate, as well as evaluating the quality and efficiency with respect to its investigative activities and reports.

The goal of the review is to provide a comprehensive assessment of ID/OIOS and to offer recommendations for improvements in the divisional structures and practices of ID/OIOS, thereby contributing to the overall fight against corruption, fraud, abuse and waste within the Organization.

Background for this review

This review stems from concerns of ID/OIOS that arose as a result of the Report of the Steering Committee on the Comprehensive Review of Governance and Oversight (A/60/883) of 10 July 2006. In response to that report, OIOS submitted the Report of OIOS on Proposals for Strengthening the OIOS A/60/901 (Annex 2). Contained in the latter were several broad proposals for strengthening ID/OIOS while recognizing the need to comprehensively assess the functions, structure and work processes of ID/OIOS. The Under-Secretary-General of OIOS, as executive sponsor of this review, decided to engage an expert for providing well-substantiated and subject-specific recommendations on a range of objectives outlined below, enumerated in the Terms of Reference for this review (Annex 3). The review was co-sponsored by the Acting Director of ID/OIOS. The Terms of Reference were sent electronically to the reviewer on 22 March 2007 to all staff members in ID/OIOS.

The expert will assist the USG/OIOS and the Acting Director of ID/OIOS in working out practical measures for implementing the recommendations from the review within reasonable deadlines and in prioritizing resources towards this end.

The scope of work for this review

The scope of work for this review encompassed all significant organizational, managerial and operational issues pertinent to the performance of ID/OIOS. To the extent possible, the review engages in a comparative analysis for benchmarking ID/OIOS practices and

approaches against other internal investigative units both within and outside the Organization, e.g., the European Union's (EU) Anti-Fraud Office (OLAF) and the World Bank Group's (World Bank) Department of Integrity (INT). Finally, the review explores the ways and means for maximizing the synergy and cooperation between ID/OIOS and other oversight disciplines in the Organization especially the internal audit division.

Review methods

The review employed a social science approach akin to the grounded theory methodology in which relies heavily on the use of in-depth interviews. As a result, the review was explorative in its design without strict adherence to a predetermined set of theories and concepts to be addressed or defined. (Remenyi et al. 171). In order to conduct an explorative review of this kind it is important that the researcher has in-depth knowledge of the matters reviewed.

The review was accomplished by an expert with more than 22 years of experience as a police investigator, a Senior Public Prosecutor, a manager at the director level in a law enforcement unit supervising more than 120 investigators, prosecutors, special advisors and administrative staff. Additionally, the researcher has extensive experience in conducting internal investigations in the private and public sector.

The review employed the following qualitative methods to obtain information for analysis:

- In-depth interviews (face to face)
- Interviews conducted by phone
- Information received from present and former investigators and others by e-mail
- Documents received from investigators and others
- Information received during the comparative analysis of other international internal investigative bodies
- Observations from the offices of ID/OIOS staff in New York, Vienna, Nairobi and the missions in MONUC and UNMIS
- Analyzing documents
- Studying cases investigated by ID/OIOS
- Analysis of findings and recommendations from previous reviews done of the ID/OIOS the past four years

The most relevant was information obtained from 106 in-depth interviews conducted during the review. Most of the in-depth interviews were done in person. Each investigator interviewed was informed of the purposes for the review and the Terms of Reference. Interviews were conducted as conversations, touching upon the main topics in the Terms of Reference. At the start of each interview, the interviewee was informed that the interview would be confidential. Interviews were conducted solely by the expert. In limited circumstances where it was necessary, the interviews were conducted with more than one but no more than three interviewees simultaneously. Interviews were not recorded except to the extent that handwritten notes of the expert interviewer were made.

Interviewees were initially asked about his or her professional background and were given the opportunity to provide any information and recommendations to improve the functioning of ID/OIOS. For the most part, the lack of time once an interview session was scheduled was not a problem. In situations where the interview session was interrupted, once both parties were mutually available, the interview was promptly resumed. Several individuals interviewed stated that they appreciated the opportunity to be heard and hoped that their input would contribute to initiating changes in the best interests of ID/OIOS.

In spite of the confidentiality protections that attached to these interviews, several of the investigators expressed apprehension and fear that senior managers would be able to identify certain individuals by statements that were incorporated into the review. This reaction underscored the existence in various ID/OIOS offices of a management style premised upon fear and false promises to control staff members. Furthermore, the creation of this type of environment serves as a major obstruction to effective internal communications. In contrast, several investigators stated that they would be willing to provide the same information regardless of confidentiality protections.

It became clear that the process of the review itself initiated some improvements in ID/OIOS. Questions and issues that arose during the interview sessions have led investigators and managers towards efforts at addressing certain issues prior to the finalization of the report.

Interviews with staff members in ID/OIOS

The most time consuming exercise in this review was the in-depth interviews with 60 investigators in ID/OIOS (including 4 supervisors and investigators in PTF, as well as investigators in MONUC and UNMIS).

Interviews with clients and stakeholders

A considerable amount of time was devoted to interviews and meetings with individuals from the senior management level in ID/OIOS client organizations. The following is a list of interviews conducted with individuals outside ID/OIOS (but within the Organization) and representatives of clients or stakeholders:

United Nations	Number of persons interviewed
IAD/OIOS	3
Monitoring, Evaluation & Consulting Division/OIOS	1
UNDP	1
OHRM	3
OLA	2
UNICEF	3
Procurement Service (PS)	5
DPKO	3

CDT	3
Security and safety	2
Others	3
Total	29

In total, 89 in-depth interviews were conducted in the period from mid March – mid June 2007.

Interviews with other internal international investigative bodies

In order to compare organizational aspects including, but not limited to, organization structure, management, standard practices and procedures, methods of investigation and tools and techniques, 17 interviews with individuals in management positions in investigative units outside the Organization were conducted:

Name of unit	Number of persons interviewed
Department of Institutional Integrity, the World Bank Group	2**
United States Department of State and Broadcasting Board of Governors	3
Office of Institutional Integrity in the Inter-American Development Bank	1 *
OLAF (Office Europeen De Lutte Anti-fraud)	8
Cabinet of Commissioner Siim Kallas Vice-President for Administrative Affairs, Audit and Anti-Fraud, European Commission	2
IDOC – Investigation & Disciplinary Office of the Commission, European Commission	1
Total	17

* Brief interview. As a result, most of the information obtained was based on documents received.

** The World Bank refused to give access to its manual for investigations and to describe the basic standards of operations because of an ongoing internal review of the investigative work within the World Bank.

Previous reviews of ID/OIOS

The culture review of ID/OIOS conducted by Michel Girodo was finalized in June 2007. Previous reviews of ID/OIOS that are relevant to this review include the following:

NO	Description	Date
1	Peer Review of ID conducted by the European Anti-fraud Office (OLAF)	2004
2	PricewaterhouseCoopers	n/a
3	ICC	n/a

The report from the OLAF review mentioned was not distributed to investigators until the former Director resigned.

The Under-Secretary-General of OIOS has stated that the report resulting from this review shall be submitted in the end of June 2007 to all ID/OIOS staff members.

Framework

The framework used for this review is mainly based on the internal control framework to be found in the CoCo report (from The Canadian Institute of Chartered Accountants), which is a common, well-known and simple framework for management, government and control of an activity.

John Oakland's Total Quality Management (TQM) framework is used as supplement to the CoCo model. The essential part of the TQM framework is described in the EFQM (European Foundation for Quality Management) Excellence Model, which provides a framework based upon the following ten steps that can be used as an inspirational model to shape ID/OIOS in the future:

1. Set direction through leadership
2. Establish the results to be achieved
3. Establish and drive policy and strategy
4. Set up and manage appropriately the approach to process people, partnership and resources
5. Deploy approaches to ensure achievement of the policies, strategies and the results
6. Assess the performance, in terms of customers, staff and society results
7. Assess the achievements of key performance results
8. Review performance for strengths and areas for improvement
9. Innovate to deliver performance improvements
10. Learn more about the effect of the enablers on the results (Oakland, Text With Cases).

The framework is used in order to identify areas for improvement and recommendations and to support the researcher's experience in investigative work.

PART B:

Brief presentation of major challenges for ID/OIOS

Introduction

The purpose of this section is to represent an overview of the way ID/OIOS functions as an investigative unit and to offer recommendations that would improve the overall investigative function of ID/OIOS. An effective investigation function is necessary to deter wrongdoing, assure proper accountability, and maintain the confidence of Members states and other stakeholders in the integrity of the Organization.

Based upon the review, it appears that ID/OIOS suffers from a lack of the following:

- An overall vision
- Operational strategies
- Clearly defined goals
- Standard operational procedures
- Effective management
- Efficient structure and delegation of authority

Some of the problems identified are more serious in nature than others in part because they engender an environment rife with frustration and distrust. The failure to address this situation will most likely continue to result in the departure of qualified professional investigators in ID/OIOS. Several investigators have expressed deep concerns for the current situation as well as for the future of ID/OIOS during their interview sessions. Several others expressed sentiments of hope and anticipation that needed measures would be taken as a result of this review.

While a distinct break from the past is required, the future of ID/OIOS should be based upon an understanding of the historical facts which gave rise to the current state of ID/OIOS. The process of rebuilding and reform should therefore confront the past in order to create a more effective and efficient ID/OIOS in the future.

It must be said that in spite of the problems that plague ID/OIOS, there are several professional and dedicated investigators who strive to achieve the best results in each case. Some of these investigators are key personnel for ID/OIOS, possessing the necessary skills, knowledge and experience needed to help bring about positive changes in ID/OIOS. If major efforts to effect change are not initiated in the near future, the risk of losing more of these very staff members who have both the ability and the knowledge required in order to bridge the gap between how things are and how they could be in ID/OIOS will persist.

The following section provides a descriptive presentation of the situation in ID/OIOS during the period in which this review was conducted in the spring of 2007.

Management

The findings from this review reveal that one of the most important challenges for ID/OIOS to overcome is the mismanagement that has pervaded the division. Many of the investigators interviewed were in agreement, citing management issues as one of the main areas within ID/OIOS that require attention and reform. Other factors mentioned which are the results of poor management include lack of communication, personnel conflicts among senior managers and other supervisors, shifting goals, false job expectations based on initial representations by senior managers or supervisors and lack of direction/vision. In this type of environment, staff members were sometimes set-up to fail, placed in positions where successful performance was not likely or possible. The findings from the culture review of June 2007 support these observations.

Poor management from the Former Director and the former senior managers of ID/OIOS has hindered the growth and development of ID/OIOS as a professional investigative unit, one that is “best among peers.” The senior managers in ID/OIOS in the period prior to 2006 demonstrated a lack of relation-oriented focus in their work as supervisors. Instead, a command and control, fear-inducing, top-down micromanagement style served as the basis for the day-to-day operations of ID/OIOS. Not surprisingly, this autocratic leadership style had an increasingly negative impact upon a wide range of areas and practices within ID/OIOS, such as recruitment policies, investigation methods, internal communications, education/training, quality control processes, intake processes, case management systems, standards of operation and investigative tools. Investigative procedural practices were neither systematized nor standardized in a proper and effective manner. Staff members did not seem to share a strong sense of purpose or vision. Several Chief Resident Investigators (CRI) and Operations Managers (i.e., mid-managers) were placed in supervisory roles but had no actual delegated authority.

In order to meet the requirements for change, ID/OIOS must undergo a process of rebuilding the trust and respect which has been eroded over the past years. Senior managers must develop a new vision for ID/OIOS, one that transcends the individual. More importantly, they must have the ability, dedication and leadership skills required in order to implement and facilitate the fundamental changes in management.

An additional hindrance to high quality and effective management of ID/OIOS is the existence of an ongoing conflict at the senior management level. The ongoing conflict is known to ID/OIOS investigators, who opine that it has further negatively impacted the day-to-day functioning of ID/OIOS. Given the deep-rooted effects that the conflict engenders, any productive changes or developments in ID/OIOS will not likely be achieved without first resolving or reducing the level of conflict.

In theory there are a number of reasons why conflicts exist in the workplace:

- Disaffection and disagreement
- Substantive conflicts (when individuals’ disagree with one another’s analyses)
- Procedural conflicts (when strategies, policies and methods clash and people disagree on how to disagree)

- Competition and conflict (when group members compete with one another for resources such as money, power, time, prestige, or materials)
(Forsyth 235)

Conflicts do not necessarily have to be negative and may even serve to motivate or develop more efficient solutions in the workplace. However, in the case of ID/OIOS, the conflict appears to compromise the effective functioning of ID/OIOS. Thus, active measures must be taken by those in positions capable of effectuating a resolution.

Excellence in leadership in the TQM model is based on the following main items:

- Planning
 - Performance
 - Processes
 - People
 - Customers
 - Commitment
 - Culture
 - Communications
- (Oakland 99)

These items will be described in more detail further on in this report.

Operational strategy

Contrary to the opinions of management, there is no operational strategy to adhere to that is in place in ID/OIOS and known to staff members. The purpose of this section of the report is to comment on the importance of building an operational strategy that can define goals and represent the basis for decision-making for every staff member in the division.

Because it is inefficient to investigate every allegation received which is the situation for almost every investigative unit doing internal investigation, such as INT (World Bank) and OLAF (EU) as well as other law enforcement agencies. Prioritization of cases ensures that the internal investigation unit is working effectively and efficiently, rather than a situation in which any and all allegations are looked into in order to justify the number of positions in the division. Strategizing in this way helps supervisors prioritize and maintain a reasonable case load as an ongoing process. ID/OIOS must develop a reliable strategy for case prioritization. ID/OIOS should plan a 3 year strategy for case prioritization, with a 12 month marker review. This strategy should be clearly communicated to all staff members in ID/OIOS.

An ideal strategy document should establish the main focus for the division. In doing so, it would serve as tool for guidance in the daily work of administrative staff, investigators and supervisors. A prerequisite to effective implementation of the strategy plan is the support and conviction of the supervisors and staff to follow the guidelines set forth.

The strategy should address the following questions among others:

- What should ID/OIOS be doing and why?
- Name the most important stakeholders to ID/OIOS and describe their expectations.
- What are the major strengths of ID/OIOS today?
- What are the major weaknesses of ID/OIOS today?
- What can be done to improve the performance of ID/OIOS? What are high risk areas that hinder ID/OIOS in terms of its future performance?
- What should ID/OIOS's goals for the next 3 years be? Describe how ID/OIOS can achieve these goals in terms of a detailed 3 year plan, as well as the instruments to be used for measuring the achievement of these goals.
- How can ID/OIOS strengthen its position by working together with other parts of OIOS, in particular the Internal Audit Division (IAD)?
- How can OIOS prevent wrongdoing by staff members, in terms of increasing its cooperation with stakeholders and clients of the ID/OIOS?

Objectives and goals

Based upon the review, the members of ID/OIOS do not have a mutual understanding of the overall objectives and goals for the division. Staff members are not provided with a written or oral statement that effectively emphasizes a shared purpose that transcends the individual level. The absence of a common vision creates an environment which gives rise to frustration and alienation of staff members.

The following sections of this report contain descriptive presentations of ID/OIOS in detail based upon the categories set forth in the Terms of Reference. (See Part C, Objective Nos. 2-11).

Recommendations to Part B

1. The style of the leadership and management of ID/OIOS needs to be reorganized and restructured in a manner that would increase overall work quality and performance by developing a vision for the entire unit. Several investigators within ID/OIOS have expressed a lack of motivation, energy and enthusiasm. Supervisors have a major responsibility to address this issue and ensure that the work environment is one that supports the investigators in their work and provides them the opportunity to carry out their functions in a proper, effective and timely manner. This would contribute to the output of high quality work product, which would in turn engender and improve the confidence and motivation levels of the investigators in ID/OIOS.

2. Recruit qualified supervisors with extensive documented experience in supervising. Qualification criteria for supervisors should be, in addition to investigative knowledge, the possession of motivational skills, quality management skills and professional developmental skills (as to employees). As well, supervisors should evidence a genuine understanding of empathy, ethics and professional integrity.

3. Supervisors should be instructed to provide investigators with positive and negative feedback to contribute to an open and supportive working environment.

4. The management of ID/OIOS should be improved and strengthened so that its operations may not be affected or compromised by the politics of the Organization.

5. Resolve conflicts at the senior management level. Presently, the conflict at the senior management level of ID/OIOS has come about, for the most part, as a result of the Deputy Director's objection to the new Acting Director and the changes implemented within ID/OIOS this last year. The conflict is known to most investigators and has had a negative impact on both the morale and the daily investigative work of the division. Any changes or developments in ID/OIOS will be extremely difficult to achieve if this conflict is not resolved, or at the very least, dealt with in a manner to reduce the tension at the senior management level. In order to deal with this conflict, it is recommended that the following steps be taken:

- Engage an advisor to assist in a strategy for conflict negotiations
- Clarify authority and power to the senior managers involved in the conflict
- Draft a work plan for the senior managers addressing problems to be solved by them and the expectations of the Under-Secretary-General in terms of dealing with the conflict without interference and further damage to the important work of ID/OIOS. The work plan should further include steps to be taken within a certain time frame and goals to be achieved
- Develop systems of measurement to track the progress of the steps set forth in the work plan

6. Supervisors, i.e., the Acting Director and Deputy Director, and team-leaders of each ID/OIOS office, should be charged with the responsibility of arranging regular weekly meeting for investigators to discuss the planning of investigative work, lessons learned, shared visions for the division, etc., in order to allow the sharing of internal information as a means to improve and enhance the overall working performance of ID/OIOS. It is further recommended that the number and regularity of meetings with ID/OIOS staff in general be increased.

7. The Acting Director of ID/OIOS should create a reasonable work plan for ID/OIOS for the next 12 months and for the next 3 years.

8. Identify the process to develop the strategy for ID/OIOS, addressing the following questions among others:

- What should ID/OIOS be doing and why?
- Name the most important stakeholder to ID/OIOS and describe their expectations.
- What is the major strength of ID/OIOS today?
- What is the major weakness of ID/OIOS today?
- What can be done to improve the performance of ID/OIOS? What are high risk areas that hinders ID/OIOS in terms of its future performance?

- What should ID/OIOS goals for the next three years be? Describe how ID/OIOS can achieve these goals in terms of a detailed three-year plan, as well as the instruments to be used for measuring the achievement of these goals?
- How can ID/OIOS strengthen its position by working together with other parts of OIOS, in particular IAD?
- How can OIOS prevent wrongdoing by staff members, in terms of increasing its cooperation with stakeholders and clients of the ID/OIOS?

9. The most important goals for ID/OIOS should be the increase of efficiency, speed and the quality of investigations.

10. Investigators must be provided with clear descriptions of the directions and goals for ID/OIOS. Investigators cannot currently write up their E-pass due to the lack of this information (Annex 22).

11. Define and develop instruments of performance measurement/appraisal for ID/OIOS which are based upon qualitative rather than quantitative measurements. Address the following:

- Identify what aspects of ID/OIOS performance should be measured and why
- Identify stakeholders and clients of ID/OIOS
- Identify stakeholders' interests in ID/OIOS and measurements which would be useful to them
- Identify questions to ask stakeholders and clients as a means to measure the performance of ID/OIOS
- Develop a framework for measurement as a balances scorecard as an additional instrument to assess performance
- Ensure that the results of such assessments and/or indicators may be re-examined

PART C: Review of the objectives

Objective No. 1: Comparative analysis

Objective No. 1 is described in the Terms of Reference as follows:

Conduct a broad and detailed comparative analysis of ID/OIOS performance in implementing its mandate against similar entities at the World Bank, State Department, EU (OLAF), etc. Such a review should include investigation methodologies and working practices, communication processes, intake processes, organizational structures and reporting lines, and quality control procedures.

Introduction

This analysis is based upon studies conducted of the INT (World Bank) and OLAF (EU) during the period from 27 March 2007 to 4 April 2007.

INT (www.worldbank.org/integrity) was established in 2001 and has approximately 60 employees comprised mainly of investigators and former prosecutors. OLAF (http://ec.europa.eu/anti_fraud/index_en.html) was established in 1999 and has over 300 employees.

Because studies of the working methods and standards of proceedings are not an exact science, there will always exist variations between the theoretical descriptions of the methods and standards concerned and the opinions and views expressed by the individuals of the organization and their perceptions of the day-to-day functioning of the organization.

A precise and comprehensive understanding of the degree to which individuals obey rules and conform to the practices and procedures of an organization is only possible through a study of the culture of the organization itself. The review that follows does not purport to be a cultural review and therefore should not be accepted or understood as such.

Methods

This study is based on documents received from the named investigative units and from interviews conducted with selected representatives from the same units. The representatives interviewed were chosen by the heads of the named units.

The observations and findings presented in this report are primarily based on observations and findings with regard to OLAF (EU), and INT to a much lesser extent. In

spite of the marked differences between OLAF and ID/OIOS, it appeared to be the most comparable unit to ID/OIOS, especially with respect to, *inter alia*, their mandates, structure, types of cases, budgets, workforce, and investigative tools.

Information contained in this comparative analysis was also collected from interviews and documents received from other international investigative bodies, i.e., U.S. Department of State, Investigation and Disciplinary Office (IDOC of EU) and the Office of Institutional Integrity in the Inter-American Development Bank.

Comparative Analysis

These are the areas addressed in the comparative analysis:

- Mandate
- Power
- Organizational Structure
- Reporting Lines
- Intake Process
- Case Management System
- Working Practice
- Reactive and Proactive Approaches
- Communication Processes
- Quality Control Procedures
- Investigative Methods and Tools

MANDATES

INT

INT acts as an independent investigative arm of the World Bank. The main function of INT is to investigate allegations of fraud and corruption in World Bank-financed projects as well as possible acts of staff misconduct. Because INT is solely an investigative body, its investigative findings are referred to senior management of the World Bank for further action. The Director of INT reports directly to the President of the World Bank.

OLAF

OLAF's mandate which is set forth in Regulation 1073/99 is to "exercise the powers of the Commission in order to step up the fight against fraud, corruption and any other illegal activities detrimental to the Communities' financial interests." (See OLAF Manual attached as Annex 4). OLAF was established in 1999 as the result of a request to create an investigative unit that would be able to conduct thorough and independent internal and external investigations. Although formally considered a part of the Commission with the ability to exercise Commission powers, OLAF is endowed with budgetary and administrative autonomy. The purpose of the hybrid design is to ensure operational independence when conducting investigations. The hybrid design is one of the major structural differences which set it apart from ID/OIOS operationally.

(The OLAF Manual of February 25, 2005 attached as Annex 4, consists of 172-pages of detailed descriptions of OLAF, its mandate, working processes, organizational structure, operational working instructions, information and document management, etc., and will be referenced throughout this comparative analysis).

POWER

INT

INT personnel have unrestricted access to all World Bank records, documents, and physical properties (computer files and other electronic records and personnel records, individual medical records, etc.) subject to specific conditions. Additionally, investigators have access to all World Bank staff in order to obtain information relevant to the investigations.

OLAF

Regarding investigations, OLAF is empowered to conduct internal and external administrative investigations, as defined in Article 2 of Regulation 1073/99. Members, officials and servants of the Community organs are required to cooperate with OLAF investigations under Article 4(6)(a) of Regulation 1073/99 which requires that such a duty be included in the internal rules adopted by each Community organ. The duty to cooperate includes the obligation to provide information requested as well as to cooperate in any other requests as required by OLAF in the conduct of an investigation.

With respect to internal investigations, Regulation 1073/99 sets forth the legal basis for all investigations in conjunction with the relevant decisions of the Community organ involved. Therefore, once an internal investigation has commenced, OLAF investigators are granted immediate and unannounced access to any information and to all EU premises to inspect accounts; to take copies of and obtain extracts from any document or the contents of such documents; to request oral information from members and staff; to conduct “on-the-spot” inspections on the premises of economic operators; and to ask any individuals for further information. Member states are required to provide OLAF with “all necessary support, including the forwarding of documents and information relating to investigations, or more generally, to the fight against fraud, in accordance with national law.”

Regulation 1073/99, however, does not provide a legal basis for external investigations. The scope of powers that are granted to investigators during an external investigation differs slightly from the powers accorded in an internal investigation, relying on other Community legislation, either horizontal or sectoral, as its legal basis. That is, different powers are granted or not granted depending on the source of its legal basis for investigation. For example, “on-the-spot” inspections may be allowed if appropriate to the sector and proportionate to the objectives pursued and must not be excessively burdensome.

OLAF may also perform coordination and assistance functions by conducting criminal assistance cases, coordination cases, and monitoring cases.

ORGANIZATION STRUCTURES

INT

INT is organized in a rather flat or horizontal organizational model meaning that there are few levels of intervening management between investigators, managers and directors. There are three divisions that report to the Director of INT which are comprised of the Front Office, Centralized Case Intake and CIC (divided into external cases and internal cases in three different sections). Centralized Case Intake performs the initiation of the case and the risk analysis for case prioritization purposes.

OLAF

The Director General is responsible for the overall management of OLAF (Annex 5). The office of the Director General consists of two Assistants as well as the needed secretarial support. There are three directorates that report directly to the Director General: Directorate A – Policy, Legislation and Legal Affairs; Directorate B – Investigations and Operations; and Directorate C – Intelligence, Operational Strategy and Information Services. Each directorate oversees several units. In addition to overseeing the three directorates that comprise investigations and operations, the Internal Auditor, the Data Protection Officer and four separate additional units report directly to the Director General.

Directorate B - Investigations and Operations is responsible for carrying out investigations and other operational tasks at OLAF. Directorate B is organized in a fluid arrangement of two teams (“Investigations” and “Operations”), such that while the teams and the units from which they are comprised are charged with specific areas of investigation and operational activity, the heads of units may also seek assistance or additional resources from the other teams and units. Similarly, investigators may also request the assistance from outside Directorate B (to Directorate A or C) via the appropriate “line-management chain.” Such requests may be advisory requests or requests for additions of a colleague to the team.

In addition to the managerial role entrusted to the Director of Directorate B, s/he also chairs the weekly meetings of the Executive Board of Investigations and Operations (Executive Board). (For a more detailed explanation of the OLAF organizational structure, see Annex 4, OLAF Manual 47).

REPORTING LINES

INT

Due to an ongoing internal review being conducted by the World Bank, no specific information was available either from the interviews or via written operations manuals. However, information available from other sources reveals that the Director of INT reports directly to the President of the World Bank. Upon completion of investigations, the INT submits its results to the World Bank’s senior management for further action. In cases involving staff misconduct, investigation findings are submitted to the Vice President of Human Resources. If INT’s findings involve corruption or fraud in the course of a World Bank-financed project, the findings will be submitted to the Sanctions

Committee which makes recommendations to the President. If it is found that the laws of a member government may have been violated, the findings may be submitted to the appropriate national authorities of the member government which may lead to criminal investigations.

OLAF

The OLAF Manual contains strict regulations on reporting lines through every step of an investigation. That is, from the moment an allegation is received to the point when the final case report is submitted. Pursuant to Regulation 1073/99, once an investigation has been completed, OLAF is obligated to prepare a report, specifying the facts established, the financial loss and the findings of the investigation, along with recommendations as to further action. The final case report is submitted by the Director to the Executive Board, the Member state authority, and/or the Community institution for follow-up action. For internal investigations, the report and recommendations are also submitted to the institution involved, which is then required to pursue further disciplinary or legal action as recommended in the report. Additionally, the subject of an internal investigation may appeal to the Director of OLAF by filing a formal complaint.

INTAKE PROCESSES

INT

The information provided here regarding the working practice of INT was based solely on information acquired during the interviews, as access to the INT Manual was not provided due to the aforementioned ongoing internal investigation. Based on these interviews, there appears to be a stringent process in place in order to decide which cases warrant further investigation. First, INT will initiate a preliminary inquiry to determine if the allegation received is both credible and constitutes “misconduct.” Both conditions must be satisfied before the consideration of a full INT investigation. However, prior to the initiation of an investigation for both external and internal cases, a determination of the relative priority of each case is made. The determination is based upon a standard set of criteria and is made by Centralized Case Intake. As referenced earlier, Centralized Case Intake is the unit within INT which conducts the surveillance and intelligence work of INT, in addition to overseeing the case priority rating process. All information gathered at this stage is entered into a database for future reference and analysis. Cases that have been deemed “low priority” may be closed without further investigation but may be reopened should further evidence surface. A separate committee comprised of three supervisory individuals meets on a weekly basis to prioritize caseloads and to determine which cases to further investigate based on the priority rating system.

OLAF

The OLAF Manual sets forth detailed written instructions with regard to the intake process. OLAF also has a rather stringent process to decide which cases to investigate. Before the decision to open an investigation is made, there is a preliminary assessment stage that is conducted by the investigator to which the case has been assigned. The decision to open any case must first satisfy the following conditions: 1) OLAF must have the competence to act; and 2) the grounds for suspicion must be sufficiently serious. It is important to note that no actual investigative activity is conducted at this stage. In

instances of internal investigations of serious situations relating to the discharge of professional duties which may constitute a failure to comply with the obligations of officials and servants of the Communities, a policy of “zero tolerance” has been implemented. In effect, investigations must be opened where there is evidence of staff misconduct, with a minor exception for cases of minor wrongdoings which can be dealt with by other services.

As for external matters, OLAF is given more latitude in its decision to open an investigation. The initial assessment stage provides an indication as to whether the case is of high, average or low priority within the work plan of the investigator(s) in charge.

The following criteria are considered in the opening of an investigation:

- whether serious criminal or disciplinary offense(s) are potentially involved
- the potential financial impact
- whether it involves a conspiracy or a single actor
- whether senior officials are involved
- whether it involves an abuse of power
- whether the matter could have a negative impact on the reputation/credibility of European institutions and bodies
- whether an investigation has been requested by a service or institution
- whether information is obtained and intelligence provided in order to support the assessment.

The decision to open an investigation is based on the post-assessment phase recommendation. The OLAF Executive Board is the advisory committee to the Director for purposes of intake advice. The decision may be made by the Director, on his own initiative or with the advice and counseling of the Executive Board, for both internal and external cases. For external cases, the decision to open a case may also be made based upon a request from a Member state concerned. For internal cases, a request from a Community organ within which the investigation is to be conducted may also serve as the basis for opening an investigation. (For a more detailed on the assessment stages and forms, see Annex 4, OLAF Manual 63).

Allegations of sexual harassment, exploitation or abuse are not conducted by OLAF, but by a separate internal investigative unit called the Investigation and Disciplinary Office (IDOC).

CASE MANAGEMENT SYSTEMS

INT

INT's case management system (CMS) is based on Lotus Notes software that has been developed by INT. All relevant case information is entered and attached to the electronic case files of the CMS.

OLAF

OLAF's CMS is based on Oracle software that also has been developed over the years by OLAF to fit the needs and requirements of its practice. One specific unit within OLAF is delegated the task of entering all documents and information received for each individual case. The unit reviews, scans and attaches all documents into the electronic case files of the CMS, thereby providing a single source of case-related information which covers the work of all operational and follow-up units. Case team members (head of unit, investigator(s) in charge and associate investigator(s)) are identified in the system. During the course of an investigation, these individuals are given "read/write access" to the CMS case record. Once the investigation has been closed, they are granted only "read" access. Additionally, a hard copy of all documents electronically filed is maintained in an archive which is located in the Headquarters of OLAF. Access to the CMS is based on a need-to-know basis, although generally accessible to the investigators working on a specific case and their supervisors. All information in the CMS is searchable, i.e., figures and letters. To ensure the confidentiality and independence of its investigations, all CMS computers are operated from the OLAF office.

WORKING PRACTICE

INT

Team leaders supervise the investigative work, i.e., fact-finding, fact-gathering and the writing of a detailed report. A draft of the final case report is then provided to the subject (officials or agents who are the subject of the internal investigation) allowing him or her to make written comments to the report. For cases regarding staff misconduct, the final case report, containing all relevant evidence and comments, is subjected to a thorough examination and reviewed by each of the investigators involved prior to the submission of the report to the Vice President of Human Resources for further action. For cases of external allegations of fraud and corruption, a two-tier process is involved in which INT sends a proposed Notice of Sanctions Proceedings to the Evaluation and Suspension Officer who is then responsible for either issuing a Notice of Sanctions Proceedings to the subject or referring the case back to INT. If the subject chooses to appeal the Evaluation and Suspension Officer's decision, the case is referred to the Sanctions Board. Sanctions may include letters of reprimand, restitution and temporary or permanent debarment. (Other methods are discussed in **Reactive and Proactive Approaches** below).

OLAF

Once the decision to open a full investigation has been made, an investigation is conducted generally by two investigators from two different Investigations and Operations units. The investigators may request assistance from the other Directorates as discussed above. By way of example, assistance of Directorate C – Intelligence, Operational Strategy and Information Services, may be requested in order to search for or collect intelligence information. Alternatively, assistance may be requested of Directorate A – Policy, Legislation and Legal Affairs, in matters that require judicial and/or legal advice. The detailed progress of any case is accessible to the investigators involved in each case via the CMS at any time during the investigation. The investigation team, the responsible head of unit, the staff members of the unit and the Director of Investigations

& Operations are all expected to provide input to the final report. The report is signed by all the members of the investigation team (the investigators, the head of unit, staff members and Director B). Before finalization of the report, advice from the follow-up units may be requested in order to obtain an accurate assessment of the possible financial damages and sums to be recovered. Advice may also be provided for the recommendations concerning administrative and legislative follow-up.

REACTIVE AND PROACTIVE APPROACHES

INT

Approaches employed handling internal investigations are reactive in nature, as INT primarily acts on allegations received via reports from staff, contractor complaints, referrals and hotline/emails. For cases in which INT's findings substantiate allegations of staff misconduct, the final report is submitted to the World Bank's Vice President of Human Resources for a final determination as to whether disciplinary measures, such as termination and/or permanent bar to rehiring, should be imposed. For contractors, sanctions imposed upon findings of fraud or corruption may lead to permanent or temporary debarment, letters of reprimand restitution and public sanctions on the internet.

INT has also made efforts to incorporate proactive measures, for example assistance in preventative efforts which include spreading information and awareness to operations staff that steps will be taken to ensure that World Bank resources are directed for the purposes intended. In furtherance of a proactive approach, the World Bank is currently the only multilateral development bank to publish its sanctions of companies and individuals on the internet, including related-case information that has already been released. This potentially serves as a form of deterrence for other companies or individuals that may be inclined to commit fraud or other acts of corruption.

Since 2002, INT implemented another proactive initiative, the Detailed Implementation Review (DIR) designed to identify indicators of fraud and corruption in World Bank-financed projects. DIRs are conducted without any prior allegations of misconduct or evidence of fraud or corruption. The main focus of a DIR is to identify indicators of fraud, collusion and corruption. As a result of a DIR conducted in Sulawesi, Indonesia in 2002, the country team was able to identify and implement possible remedial measures and risk mitigation strategies, including the creation of an Anti-Corruption Committee.

In August of 2006, the World Bank launched the Voluntary Disclosure Program (VDP) as a further innovative proactive approach, designed to prevent and deter corruption in its projects and contracts while simultaneously enhancing its investigation and sanctioning capabilities. Under the VDP, entities that have engaged in past acts of fraud and corruption may avoid administrative sanction, for example public debarment, on the condition that they disclose all prior wrongdoing and satisfy standardized, non-negotiable terms and conditions. By implementing such proactive measures, the INT hopes that lessons learned from the VDP would be applied to mitigate risks in future operations.

Although the success of proactive approaches is difficult to assess in objective terms based on the information made available for this review, they nevertheless serve to

underscore the attempts made by INT to deter and prevent wrongdoings before they occur.

OLAF

While the majority of actions taken by OLAF are reactive, it is important to note that OLAF has the authority to investigate a case even in the absence of an allegation or complaint. Director C – Intelligence, Operational Strategy and Information Services oversees three units which contribute to proactive approaches to combat fraud and corruption. Unit C.1 (Intelligence, Strategic Assessment and Analysis) is charge with the responsibility of addressing and developing anti-fraud strategies, exploitation of information sources and the development of strategic partnerships. Unit C.1 also initiates OLAF’s mid-term to long-term operational and strategic policy, which includes value assessments on the scope and projections of growth in types of fraud, as well as proactive operational and tactical projects intended to detect and prevent future fraud.

COMMUNICATION PROCESSES

INT

The World Bank has had a formal communications policy for investigations and sanctions in place since 2005. INT purports that the policy has made it possible to improve transparency regarding the final results of investigations. It has also enabled the publication of the first integrity report in the fiscal year of 2004 and the issuance of more detailed press statements about cases that resulted in sanctions. The overall purpose of these increased communications is twofold: 1) to raise awareness; and 2) to change behavior that tolerates or produces instances of fraud and/or corruption.

The World Bank, in its Annual Integrity Report 2005-2006, states that its affirmative approach to communications contributes to general deterrence and prevention. The desired effect in providing information to target audiences would be to change behavior, so long as the information disseminated:

- 1) Warns potential wrongdoers that this kind of illicit activity is known to the Institution and that follow-up measures would ensue if detected;
- 2) Educates interested corporate or government officials and allows them to take specific actions to improve their systems;
- 3) Alerts and educates staff and partners to potential patterns of behavior that require reporting; and
- 4) Alerts potential victims (communities, citizens, civil society, business people, staff) to risks enabling them to take steps to protect themselves.

The Annual Integrity Report 2005-2006 further states that the INT “participates and actively encourages the development of networks to facilitate the sharing of information and investigative best practices,” as well as “discussions of common challenges.”

No information was obtained on INT’s communications policy with regard to access to documents and confidentiality/privacy protections.

OLAF

OLAF produces and contributes to a number of reports for the European Parliament and the Council, monthly reports to the Supervisory Committee and various other reports. OLAF's policies on media relations, access to documents and procedural requirements when information is requested, is set forth in detail in the OLAF Manual.

Access to Documents

Both the complainant, the person providing initial information, and the subject of an investigation, are notified at different steps during an investigation as described in the OLAF Manual. The subject of an investigation is provided access to the draft case report prior to its submission. S/he is entitled to express his/her views on all facts which concern him/her before any final conclusion is made in the final report. Although the subject has limited access to the case file, s/he is entitled to have a copy of the record of conversation made after his/her interview as well.

Information obtained during an investigation is subject to professional secrecy and should not be disclosed pursuant to Article 287 of the EC Treaty and Article 17 of the Staff Regulations. However, Article 9(3), 9(4) and 10(2) of Regulation 1073/99 specifies that the final case report of an investigation and related documents must be provided to the competent authorities of the EU institution or Member state responsible for taking follow-up action. As to information obtained during investigations, disclosure to concerned parties is discretionary and limited to persons whose functions require them to know in order to prevent wrongdoing and obligatory to judicial authorities of Member states when the matter is liable to result in criminal proceedings.

EU citizens, as well as natural and legal residents or those having a registered office in a Member state, have a right of access to documents of the institution, subject to the principles, conditions and limits defined in Regulation 1049/2001 and the Commission Decision 2001/937. (See Annex 4, OLAF Manual 146). The right of access extends to classified documents (restricted, confidential, secret, top secret) unless covered by one of the exceptions set out in Article 4 of the Regulation which have been narrowly interpreted.

Individual Privacy Protections

Article 286 of the EC Treaty states that the Community institution and bodies shall be bound by Community rules on the protection of personal data which is defined broadly as "any information relating to the data subject." The main purpose of the requirement is to establish rules to protect the fundamental rights and freedoms of natural persons, in particular their right to privacy, with respect to the processing of personal data by Community institutions in the exercise of their official activities.

A controller is appointed to determine the purposes and means of the processing of personal data. Advisors and heads of unit are appointed as controllers for the personal data within their province. The controller is responsible for ensuring that personal data is processed fairly and lawfully and collected for specific, explicit and legitimate purposes

only. Within OLAF, processing of personal data should always relate to the prevention or detection of fraud, corruption or any other illegal activity.

Additionally, Community institutions are required to appoint a Data Protection Officer (DPO) who possesses expert knowledge of data protection. The DPO's responsibilities include:

- Ensuring that controllers and data subjects are informed of their rights and obligations under relevant regulations;
- Ensuring, in an independent manner, the internal application of relevant regulations;
- Keeping a register of the processing operations carried out by the controller; and
- Responding to requests from the European Data Protection Supervisor (EDPS) and notifying him/her of the processing operations likely to present "specific risks."

The EDPS is appointed to act as an independent supervisory authority responsible for ensuring that the fundamental rights and freedoms of natural persons, in particular their right to privacy, are respected by Community institutions and bodies. Individuals may lodge complaints with the EDPS if they believe that their rights have been infringed upon and may be entitled to damages suffered as the result of any breach of these rights.

QUALITY CONTROL PROCEDURES

INT

INT has a strict intake procedure involving several individuals. Each case is entered into the CMS and monitored by CCI. Case reports are reviewed and discussed amongst the investigators and the head of unit, prior to the drafting of a final case report. Once the case report has been drafted, it is submitted to the Director for approval. The Director holds weekly committee meetings in order to seek additional input and advice.

INT determines and specifies standards for the measurement of professional performance. (These specific standards were not offered during the interviews for purposes of the report). However, INT investigators who fail to execute their official duties, thereby falling below the specified standards, suffer certain consequences, i.e., contract termination or denial of contract extension.

OLAF

The quality controls/quality assurance checks employed in OLAF investigations are quite extensive. A detailed procedure is in place to ensure that each case is monitored and reported upon on a monthly basis. There are at least four individuals assigned to each case. Additionally, the functionalities of OLAF's CMS allow the system to check on reporting obligations, while also maintaining an audit trail. Both of these functionalities serve to track each step of the process and further ensure accountability. Finally, the amount of time consumed for investigative tasks must be reported and explained within the CMS. This contributes to precision of cost estimates and determinations, as well as the performance of tasks in an efficient and timely manner.

There are also several quality assurance checks in place to produce case reports of the highest quality. The subject of the investigation is notified at various stages (including the initial phase) and entitled to express his/her views on all of the facts contained prior to submission of the final report. The draft case reports are reviewed by several team members as a means to conduct quality assurance reviews. OLAF has also implemented a system of checks to ensure that each investigator and supervisor is held responsible and accountable for his/her work. Investigation team members and the Director must sign and date certain forms throughout the investigation process to this end.

INVESTIGATIVE METHODS AND TOOLS USED

Both INT and OLAF use Zylab – a type of software used to search information in the form of figures and words from scanned documents (as TIFF files) in the electronic case files. Both units have investigative tools to secure and search information from electronic storage mediums (mirror images of hard drives and other electronic storage mediums). A further description of the forensic examination of computers is described in the OLAF Manual. The ability to conduct extensive searches and the information derived are extremely important in the assessment stage of a case, as well as the subsequent investigative and intelligence work that OLAF may conduct with respect to a given case.

Both INT and OLAF have developed preventive tools to combat fraud and corruption. (For examples of these types of tools, see Part C, Objective No. 5).

Both have centralized the intelligence and surveillance work to a limited number of persons who are experts in this field.

Summary

As a precautionary note, it should be mentioned that finding comparisons and conclusions should be understood in light of the context, capabilities and limitations of this type of a study. In other words, drawing conclusions should be weighed against the possibility that a given working environment that may appear, on its surface, to be efficient and effective, may be functioning otherwise beneath the surface.

While the majority of the investigators in all three investigative units (ID/OIOS, INT and OLAF) are comprised of lawyers, former prosecutors and former police investigators, there are major structural and procedural differences that are significant to the overall functioning of the unit. For example, each have mandates distinguishable from one another, in part, tailored with respect to the larger organization, i.e., the United Nations, the World Bank and the EU, respectively. As well, there are notable differences in terms of the size of the investigation unit, the types of cases handled by each unit and case load size.

Additional differences between the functioning of the three units include:

- Power and sanctions relevant to the searching and seizing of information

- Working practices and standard of proceedings
- Intake procedures
- Due process requirements
- Reporting lines
- Functionalities, requirements, output and flexibility of CMS
- Transparency and information management

As far as this review could ascertain, ID/OIOS is the only entity that is organized as a unit which combines inspections, investigations, evaluation and audit. In contrast, both the World Bank and the EU have organized these investigative units separate and apart from one another. Furthermore, it is worth noting that ID/OIOS is the only investigative unit in this comparative analysis which gives the Director and his/her appointees the ultimate power to decide to initiate a full investigation or to close a case without any requirements to seek additional counsel.

With respect to quality assurance issues discussed above, although all three units have implemented different quality assurance mechanisms, all have efforts in place that seek to promote high quality investigations.

The comparative analysis did not reveal the efficiency of any of the bodies studied. Findings in OLAF resulted in some indication that improvements were to be made in order to speed up the investigation process and increase the efforts put into investigating cases. Similar findings could not be made with regard to INT due to the limited access to information.

Objective No. 2: Evaluating intake processes and procedures

Objective No. 2 is described in the Terms of Reference as follows:

Evaluate the Risk Assessment Profile (RAP) procedures from the point of its consistency, reliability and effectiveness in guiding the engagement of investigative resources. This should also include the evaluation of procedure used to revise the RAP.

Introduction

One of the most valuable processes of ID/OIOS with regard to the determination of complaints and allegations to be investigated is the assignment of a RAP (Risk Assessment Profile) score, i.e., a figure representing the priority of a matter or a case. The RAP score is based upon various criteria for calculation which are described below.

Once a complaint or allegation has been received by ID/OIOS, it is entered into a correspondence log and the integrated case management system (iCMS), reviewed and evaluated (to see if further information is needed), assigned a status in the system and approved by the Acting Director or Deputy Director for predication as a case or matter. It is at this point that the risk assessment is conducted and the case is assigned a RAP score.

During this step, all relevant data is input into the appropriate forms and a cross-reference is run to check the system for previous entries of the case or matter.

The Risk Assessment Profile

If the Director of ID/OIOS approves the predication of a case, then the case goes to the analyst (the investigator doing the RAP analysis) who also checks to make sure all the necessary forms have been completed and to note duplicate cases. As soon as the analyst has conducted the RAP analysis, the case is assigned a unique case number. Presently, the majority of cases are sent from the Deputy Director in Vienna to the RAP analyst at Headquarters, New York. The RAP analyst conducts approximately 15-20 assessments per week.

The following is an explanation of the 9 different steps in the RAP calculation (Annex 6).

The first calculation (0-10 points) is based on the source of the request/information. For example, requests coming directly from the Secretary-General or the Under-Secretary-General are automatically given a higher score in this category. Verbal allegations from whistleblowers receive a 5 point rating.

The second calculation (0-10 points) is based on the credibility of the informant. If a source is reliable and able to substantiate the allegation, it will result in a high rating.

The third calculation (0-10 points) is based on the value of the information to ID/OIOS. High risk areas are cases that might hit the news and front pages. Risk of life to a staff member, procurement matters, financial matters and SEA cases are all cases that result in a high rating.

The fourth calculation (0-10 points) is based on the impact on the operation of the programme/project/office. This step calculates how the allegation affects the office.

The fifth calculation (0-10 points) is based on the impact on the public's perception of the UN. Questions that are considered in this respect may be: Will the media be able to find this information? Will the case make the front pages and involve a high risk to the Organization? Risk of cases making the headlines in international news is more important than local newspapers in some Member states or missions. The reputation of the Organization is the most important factor in this calculation.

The sixth calculation (0-10 points) is based on the magnitude of the effect on the UN. This calculates the impact for the office concerned and how the allegation affects, for example, peacekeeping operations and the reputation of the Organization.

The seventh calculation (0-10 points) is based on the impact if not investigated by ID/OIOS or otherwise handled by the Organization. This calculates what the consequences may be if ID/OIOS does not conduct the investigation, i.e., if any other

investigative unit will conduct an investigation. It also assesses the possibility for the allegation to be referred to another body.

The eighth calculation is that of timeliness based upon two factors for assessment (0-50 points with a benchmark of 25 points). This calculates how soon ID/OIOS would be able to start working on the case, if the case concerns the safety of Organization staff members or if the case has to be attached to a report already planned to be sent by the Secretary-General to the General Assembly.

The ninth calculation (0-50 points with a benchmark of 25 points) involves case patterns or trends. This involves the assessment of duplicate or similar cases, cross-references to other cases and the type of offense involved. Some types of cases should have priority, for example, a SEA or procurement case based on the larger number of such cases relative to other cases. This step assesses patterns and trends to particular types of offenses.

A RAP score of 100 or more results in an investigation. If the RAP score is below 100 there will not be any investigation. It is extremely rare that an investigation starts before the case has been assigned a RAP score.

Treasury cases are advisory matters and are not given any RAP score. In these cases ID/OIOS conducts background checks to see if the person getting power of attorney from Treasury in the Organization has been a subject for investigation. ID/OIOS responds to the request by e-mail without giving any names to maintain confidentiality.

There is a formal procedure in place to change the RAP score in the system, as an audit trail is said to be in place to track the changes and comments made to the RAP score. However, there are also informal ways of changing RAP scores which will be discussed below.

Improvements

The RAP system has been developed over the years since the establishment of ID/OIOS in 1994. The RAP system in use today has been in place for the last 6 years. One investigator or analyst in ID/OIOS has been charged with the responsibility of performing the risk assessment analysis for all complaints and allegations received. Assigning this task to one individual may help to assure uniformity of scoring. However, uniformity may be severely compromised where there are no written standards or guidelines as to how the evaluation or risk assessment is to be conducted. ID/OIOS currently lacks a clear and detailed document which explains how the actual assessment is conducted. Theoretically, the RAP score determines whether to begin an investigation on a given case or matter. However, the findings in the review reveal that the RAP score does not always follow a consistent, formulaic step-by-step process, as the score can and has been altered in certain situations at the instruction of the Former Director or Deputy Director. As of today only the Acting Director and the Deputy Director in Vienna can change the status of a case after the case has been assigned a RAP score.

Another problem with the RAP system is the lack of communication between the RAP analyst who assigns the RAP score and the investigator on a given case during the course of an investigation. That is, the way the current system works, once a RAP score is assigned to a case, that score is not changed during the investigation to reflect new information that may affect the overall priority of the case. If the main purpose for the assignment of a RAP score is to prioritize the case load according to level of importance, it should be flexible enough to accommodate new and updated information for a particular case, e.g., reassigning cases a higher or lower priority depending on the amount or the nature of the evidence discovered. As recommended by the RAP analyst, a periodical review of the ongoing case load should be performed in order to ensure that the priority of cases reflects the actual circumstances that may or may not require investigation.

It is recommended that an Intake Committee be responsible for the risk assessment of new cases as well as cases already being investigated for there will always be a need to change and reassign priorities for case investigations.

Whistleblower Protections

Whistleblower protections are a major concern for staff members providing information of wrongdoings to ID/OIOS, as well as witnesses providing information to investigators during an investigation. ID/OIOS has no information available of the number of staff members protected as whistleblowers before or after the establishment of Ethics Office.

Retaliation against an individual who has reported misconduct or cooperated with an audit or investigation of the Organization constitutes misconduct which, if established, will lead to disciplinary action and/or transfer. As a means of safeguarding protections for individuals who report misconduct or cooperate with investigations, the Secretary-General set forth in ST/SBG/2005/21 that if the report is made in good faith, the individual has the right to be protected against retaliation. The reasoning behind the protection is based on the prior “duty of staff members to report any breach of the Organization’s regulation and rules to the officials whose responsibility it is to take appropriate action” and to “cooperate with duly authorized audits and investigations.” Thus, retaliation violates the “fundamental obligation” of staff members to “uphold the highest standards of efficiency, competence and integrity and to discharge their functions and regulate their conduct with the best interests of the Organization in view.” This protection applies to any staff member, intern or volunteer of the Organization.

The protection extends to an individual regardless of whether the misconduct is reported through established internal mechanisms (OIOS, the Assistant Secretary-General for Human Resources Management, head of department or office concerned or the focal point) or external mechanisms.

If an individual believes that retaliatory action has been taken against them as a result of having made a report or cooperated with an audit or investigation, s/he should contact the Ethics Office as soon as possible, submitting all information and documentation that may

support their claim. A confidential record is kept of all complaints received by the Ethics Office and a preliminary review is conducted within 45 days of receipt. If a credible case of retaliation or threat of retaliation is established, the Ethics Office will then refer the matter to OIOS for investigation. Under the Secretary-General's Bulletin, once the matter has been referred to OIOS, OIOS has 120 days to complete its investigation and submit a report on its findings to the Ethics Office. Pending completion of the investigation, the Ethics office may recommend that the Secretary-General take appropriate measures to safeguard the interests of the complainant.

If there is a potential conflict of interest in having the matter investigated by OIOS, the matter may be referred to an alternative investigating mechanism upon the decision of the Secretary-General.

Once the OIOS report has been submitted, the Ethics Office will inform the complainant in writing of the outcome of the investigation.

- If the Ethics Office finds the complaint credible, it may make recommendations to the head of department or office concerned and the Under-Secretary-General for Management. Recommendations may include disciplinary actions to be taken against the retaliator, rescission of the retaliatory decision or reinstatement, or upon the request of the individual a transfer to another office or function.
- If the Ethics Office finds there is no credible case of retaliation but finds that there may be an interpersonal problem in the office, it will advise the complainant to contact the Office of the Ombudsman and other informal mechanisms of conflict resolution in the Organization.
- If the Ethics Office finds there is no credible case of retaliation but finds that there may be a managerial problem in the office, it will advise the head of department or office and, if necessary, the Management Performance Board.

Recommendations for Objective No. 2

12. There must be procedures that ensure regular surveillance of the case load in order to prioritize and direct resources towards the most important cases at all times. A formal and reliable system of case prioritization should be created. Cases that are not prioritized or cases that cannot be investigated should be reported to the Under-Secretary-General of OIOS at least once every quarter.

13. Identify an effective way of prioritizing cases which would, in turn, lead to quick investigative responses in cases that require less investigation, most importantly with regard to certain types of SEA cases.

14. A special committee, the Intake Committee, should be created to make decisions concerning which case to investigate. The committee should consist of the two Deputy Directors and two risk assessment experts. The board should meet once a week (in-person meetings, via phone or video conference) to make intake decisions as well as necessary changes in prioritization of the case load.

15. As part of the assessment for the intake of cases, a background check of the named individuals and the companies involved should be performed. The assessment should also include a search for information from corresponding cases, as well as other relevant information from previous information given to ID/OIOS.

16. Conduct a risk assessment analysis of the overall risk to the Organization arising from violations of the rules and regulations, especially with respect to cases of sexual exploitation and abuse, corruption, fraud and financial waste and abuse.

17. ID/OIOS should refer instances of minor staff misconduct to other capable investigative units within the Organization, subject to the recommendation by the Intake Committee.

Objective No. 3: Case management system

Objective No. 3 is described in the Terms of Reference as follows:

Analyze current practices in categorizing cases, managing the case load, eliminating the existing backlog of the cases; and make recommendations for employing more effective processes and procedures. Test the reliability of the referral processes and suggest necessary improvements. Review approaches elsewhere in eliminating the backlog and suggest relevant best practices for implementation.

Introduction to the case management system

The main purpose of this section is to describe the CMS that is currently in use by ID/OIOS and to address the risk areas and other relevant findings of the review. The information on the CMS is fragmented and incomplete, owing in part to the lack of description in the ID/OIOS Investigations Manual (Annex 7). As well, there is no finalized or updated information on the instructions for the use of the CMS. The only written draft description is the presentation of the ICMS cycle – Initiation Stage – reporting matter for potential predication. This is a draft from 3 March 2004 (12 pages) which is unclear and outdated as it instructs users to send information and contact individuals who are no longer with ID/OIOS (Annex 8).

Most ID/OIOS staff members and supervisors seem to agree that the ID/OIOS CMS should be changed due to needs of increased efficiency. Additionally, the CMS should be able to easily satisfy the needs of ID/OIOS's operations (within ID/OIOS's budgetary limitations), which the CMS fails to do.

Presently, ID/OIOS uses only an electronic case filing system and there are no hard-copy files or archiving systems in place. The electronic CMS is described below. (See Annex 9 for the CMS system screens). The investigation and reporting cycles are presented in

charts attached to this report (Annex 10 and 11). The Initiation form is also attached (Annex 12).

The CMS is a vital tool for the operations of any investigative unit because it enables users to plan, organize and steer investigative work in an efficient and effective manner. The system used must be reliable, effective and accessible for all staff members from all ID/OIOS offices. Furthermore, it should serve as a means to ensure confidentiality protections which is a major concern for all investigative units. That is, with an effective CMS in place, only strictly authorized persons would have access to the files and any changes made to the files are systematically recorded by way of an audit trail system.

(Recall that as part of the comparative analysis, the CMS for INT (World Bank Group) and OLAF (EU) were reviewed and assessed).

It is recommended that ID/OIOS look further into the possibility of gaining access to the system currently used by OLAF. This could prove to be a timely and cost-effective solution to developing a unique case management system for ID/OIOS. Even if the communication limitation in the software used by OLAF cannot be fully adopted by ID/OIOS, it is one that is necessary and past due.

An Internal Control Handbook should also be created without delay. The Internal Control Handbook should describe the risks involved in the use of the electronic CMS in ID/OIOS, along with guidelines for protecting information and ensuring confidentiality.

The description of the case management system that follows was provided by Habib Johar, the IT assistant in ID/OIOS Vienna office.

Overview of the system

The following is a description of the remote access system used by ID/OIOS Vienna office, Headquarters in New York, missions and duty stations, as described by the individual responsible for the daily operations and support of the system. The physical hardware used to support the iCMS application with its failover system is also examined. Finally, the iCMS data backup schedule is provided.

Accessing iCMS remotely

ID/OIOS staff in Vienna access iCMS using Lotus Notes Clients directly on the production server located in Vienna. iCMS users in New York and at the duty stations in Nairobi and Arusha access iCMS via a Domino server situated locally at each site. The Domino servers in New York, Nairobi and Arusha replicate with the Vienna Domino server every 15 minutes. The advantage of this setup is that the iCMS response time is faster since users are interacting with the application on the local Domino server at the speed of the local network. Elsewhere, for example in the mission locations, there is no Domino server on site and therefore, iCMS must be accessed using a web browser via a Citrix server to the Vienna iCMS database. (See Figure 1).

iCMS architecture: current solution

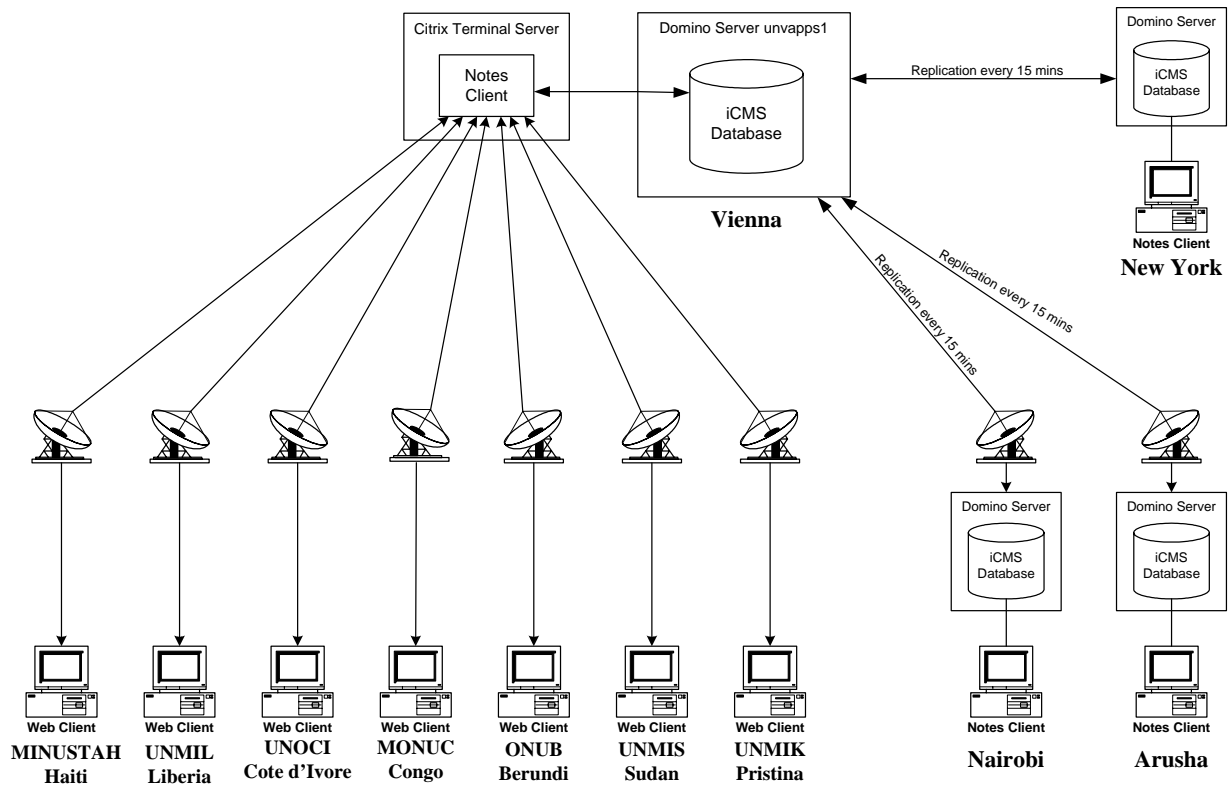


Figure 1.

The advantage of using the Citrix server is that there are no overhead costs in installing and maintaining local Domino servers on site. However, the disadvantages are that the reliability and the response speed when interacting with the application is dependent on the reliability and bandwidth of the local internet service infrastructure. An inadequate or overloaded internet link would yield a very slow response time when using iCMS, which is what many of the users at the mission locations have been experiencing with a certain amount of frustration.

The solution that is currently being implemented is the installation of Domino servers at each of the mission locations that regularly replicate the main server in ID/OIOS Vienna office, in the same manner as the duty stations in Nairobi and Arusha. The local bandwidth would then only affect the speed of the server replication and not the speed of the application of the user. (See Figure 2).

iCMS architecture: new solutions currently being implemented

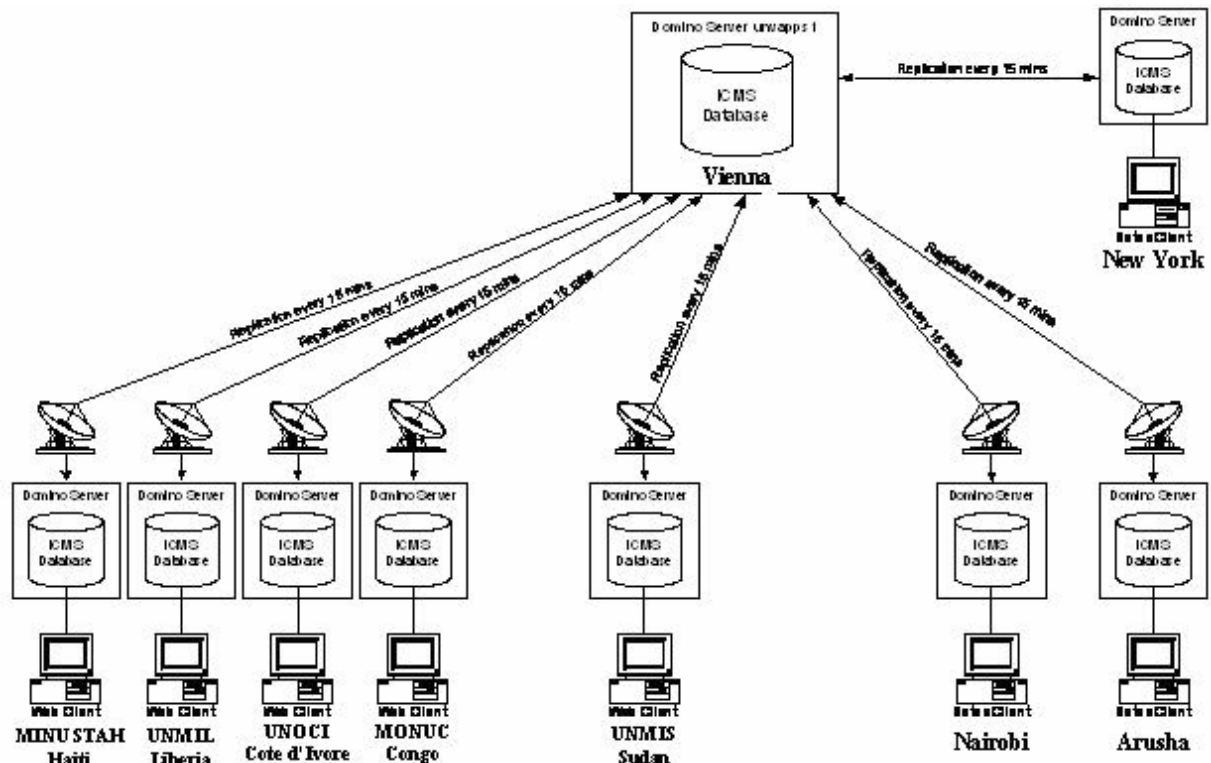


Figure 2.

iCMS hardware

The server hardware that hosts the Lotus Domino production environment is an IBM OS/400 I5 and is situated in ID/OIOS Vienna office and supported by UNOV IT. This server is a modern and reliable machine with a specification that comfortably meets the specified minimum system requirements for hosting a Domino server. The Domino server (unvapps1) that runs on this machine is clustered with a second Domino server (unvapps2) that runs on a similar machine. This means that if the principle machine or its corresponding Domino server fails then a second Domino server on the second machine automatically takes over hosting the iCMS application. The Lotus iCMS databases on both the clustered Domino servers are continually being synchronized (unless of course, one of the Domino servers is down and in this case the databases will be synchronized as soon as both servers are back up and running). This provides for a very reliable and stable setup at the Domino server level. I am told both machines are installed in a locked server room where only some UNOV IT staff can gain access.

Though UNOV IT administration staff support the Domino servers they state they have no access to iCMS at the database level so they cannot read the case documents. However they do say they have access to the Domino server console and to the Domino server logs which give replication information and who is logged on to Lotus Notes.

At the UN duty sites in Nairobi and Arusha the machines hosting the Domino server are the IBM X225 running with Linux which is also a modern and reliable server class computer.

It is worth mentioning here that for security reasons these servers can only be accessed from the 2 ports opened for each of these servers. Port 1352 for the Lotus Notes clients and port 22 for administration which will only except the Vienna ISP. If stolen, as soon as the hard disk is taken out the disk system is broken and rendered useless. So any thief must steal the box with the hard drives in tact which is of course more difficult than stealing the hard drive alone. The Notes Databases are also encrypted providing an additional layer of security.

The Citrix server that is used particularly by OIOS users at the mission locations is installed on a HP Proliant DL 360 G4. In case of a disk failure the defective disk can be replaced without any interruption and in the event of a power failures users can be redirected to a second machine. A possible improvement to the Citrix server machine would be to increase its RAM memory. This would reduce the risk of overloading the Citrix server at peak times.

The iCMS database backup schedule

The backup schedule of the iCMS Lotus Notes databases was supplied by UNOV IT and is as follows.

Backups of the iCMS databases are made in Vienna and taken from the iCMS production server. Incremented backups are done daily and full backups are done every Sunday and Wednesday. UNOV IT guarantees the ability to retrieve backups quickly going back at least one month and possibly longer. These backups can be specified to time of day as well as the date. Full monthly backups are stored indefinitely. With one month out of every two stored off site with a security company. The backups stored off site are sealed and locked in box with the keys kept with UNOV IT.

The Backup of G: drive

The backup of the OIOS ID shared network drive (The G: drive) was until recently being performed manually on site and was as follows.

Incremental backups are made nightly and stored for one month. Full weekly backups are made every Sunday night and are stored for 8 weeks. Full monthly backups are stored indefinitely. All of these backups are stored in a locked safe in a locked room to which only a few OIOS ID staff have access. In addition, the OIOS users' files are copied nightly onto a second OIOS machine which can be used in the event of a hard disk or other serious failure to the main machine. An APC Smart-UPS backup battery, powers both machines in event of a temporary power failure.

Today there is a sophisticated disaster recovery plan in place utilizing a highly secured internet based automatic backup, with 256 bit encryption, storing data to remote Data Centres in London and Amsterdam <http://www.interxion.com/>.

Findings and observations relevant from the review of the case management system

The first part of the findings from this review described the questions of reliability of the case management system. The second part below will describe briefly how case loads are managed in ID/OIOS and offer recommendations for improvements to the case management system.

The question of reliability

Almost every investigator interviewed in the review had related negative experiences with the case management system currently in use and expressed concern and hope that the system would be improved in the near future.

The findings show that major changes are required to the ID/OIOS case management system. Findings and statements from the review to this effect are quoted below. Please note that the statements below may have been slightly modified for reasons of confidentiality or clarification, but the general import of the statements has remained as true to the original statement as possible.

Citrix is not working in most of the missions because it is too slow. Approximately 50% of the daily work for investigators is lost because of the slow communication lines used in the Citrix system.

99% of the investigators are not securing their documents in the Citrix system (meaning that electronic documents are not protected from being deleted or changed by others who have access to the system).

Every investigator has access to every file and every document stored in Citrix. Only a few cases are protected in a way that investigators can not look into the case files.

Citrix is said to be vulnerable to manipulation and corruption of files. There is no log function in Citrix to trace whenever investigators look into electronic case files or make changes in the files.

There is no archive in place to compare changes made into the electronic case files.

There is no hard copy archive.

There is no scrutiny from anyone outside ID/OIOS of the decisions of predication of cases made by the senior supervisors in ID/OIOS.

Initiated cases in the electronic case management system can be deleted. If they are deleted before they get a case number, there is a risk of lack of trace of what happened to the case.

Until the autumn 2006 some investigators used their private e-mail accounts (for example their hotmail account) to send documents in case files stored in Citrix.

Every different draft of the report is saved in Citrix so it is easy to see who did which comments. Drafts are normally dated and saved with the initial of the person making the last comments.

Everyone who has access to Citrix can change records of conversations (ROC) at any time without trace.

Investigators know of examples where changes in the ROC were made after input from persons in other ID/OIOS offices who had not been present during the interview.

Every document in Citrix can be deleted by anyone who has access to Citrix. (There is said to be one case lost in the system never found or recreated).

The reason why PTF had to develop their own case management system was because PTF was refused access to the Citrix system used by ID/OIOS.

It is clear based on the above-sampling of statements that the case management system in use is not reliable or trustworthy, the main reason being that files can be altered without any trace. This seriously compromises the integrity of the files, as well as the overall system. An improved means to store and secure case files is urgently needed.

The findings from the review also revealed a lack of transparency in the case management system, as there is no way to ensure that: 1) each complaint or allegation is entered into the system; or 2) each document or file related to the complaint or allegation has not subsequently been deleted or manipulated. Additionally, there is no clear indication in the system of how cases are assigned, (deleted: to whom) and whether any relevant actions have been taken. Cases in the system which were supposed to have been investigated may go unnoticed without any actions taken whatsoever. In an environment such as the one that existed under the former director, this would allow for a Director (or one with similar unparalleled authority) to assign cases to himself/herself or to simply not investigate cases he or she did not want to have investigated. Thus, the importance of having not only an effective case management system, but as well the implementation of formal case intake and assessment procedures working in tandem with the system, becomes clear.

Managing the case load

The task of eliminating the backlog of cases was initiated after the departure of the Former Director, under the direction of the Acting Director. Since then, there has been a significant reduction in the number of cases in the backlog.

Because the CMS does not automatically generate statistical figures that are needed for reporting purposes, the process of generating reliable statistics or categorizing number of cases requires manually transferring the data from the electronic information system to spread sheets in Excel. This is an unnecessary step that could easily be bypassed with the proper statistical interface.

The risk assessment process used by ID/OIOS is called the RAP system. The RAP system is presented in detail in Part C, Objective No. 2 of this report.

Comments and Further Recommendations

It is rather surprising that ID/OIOS has been using a relatively unsophisticated and simplified CMS for the past few years. To note some additional yet important observations: 1) there is no IT personnel from ID/OIOS to serve as a back-up in the absence of the administrator. As a result, the proper functioning of the system is compromised, as it is dependent on the presence and availability of the one individual administrator; 2) the system often experiences delays and dead time which creates additional problems of accessibility for staff members in ID/OIOS.

The following are measures that would need to be put into place in order to meet the basic needs and standards of an effective CMS as whole:

- Establish a written policy for all the archives of case files in ID/OIOS
- Ensure systematic updating of all ID/OIOS files in all ID/OIOS offices which would include hard copies as well as electronic files
- Maintain and secure the archives in ID/OIOS Vienna office by moving the archives to a location in the ID/OIOS office and ensuring both security as well as access by specific individuals with appropriate authority

Because the electronic CMS, i.e., the Citrix system, is a storage repository and not an application, meaning that any person who has access can delete or change documents, the documents contained within the system are easily subject to alteration, corruption or deletion. Additionally, there is no way to track log records in order to identify previous users of the file. In fact, there is at least one case file that is completely missing from the electronic system and ID/OIOS has no way to retrieve the case presently. This severely compromises the accuracy, trustworthiness and reliability of electronic documents. Therefore, until ID/OIOS has established a reliable electronic CMS, it is recommended that a hard-copy archive system, along with relevant archiving procedures, be established as a means to secure case files for all cases occurring within the past 5 years. Presently, ID/OIOS does not have a complete or updated hard-copy archival system for case files in place in any of the ID/OIOS offices, including Headquarters in New York.

In order to allow for a secure and reliable electronic case filing system, it is recommended that ID/OIOS:

- Delegate to Help Desk personnel or other IT staff with the requisite amount of knowledge and expertise the task of drafting a risk management review of the electronic case files in ID/OIOS. The review should include a review of the back-up of electronic case files and vulnerability of the system.
- Decide upon immediate action that is to be taken in response to the findings from the risk management review.
- Demand an immediate report from the working group on CMS of the status of the work conducted thus far and the progress planned as a result.

Recommendations for Objective No. 3

18. Develop a new electronic CMS to ensure secure communication and prevent errors or misuse of case file documents. Presently, there is high risk for errors in the currently-used Citrix CMS. There is at least one instance in which a case file had been mistakenly deleted and ID/OIOS was not able to recover the case information. To prevent future occurrences and to reduce the risk of error in general, ID/OIOS should require the new system to possess the following capabilities:

- Describe the requirements and the scope of work
- Implement an electronic CMS that is valid and reliable, this is on that secures the data stored and ensures an audit trail and log of any changes made to the documents
- For electronic evidence, the CMS should include information as to where the electronic evidence was found, as well as the time and place of storage/archival of information. The search of electronic evidence should follow the SOP dealing with IT forensics
- The CMS should be able to monitor cases on daily basis.
- Allow access to the CMS to the Under-Secretary-General of OIOS, management, investigators and administrative persons
- Ensure that the electronic CMS is accessible from the missions without delay or technical hindrances
- Ensure that persons in ID/OIOS are able to back-up the CMS and support the system 24- hours a day
- Ensure the establishment of a secure system by performing a penetration test on the system
- Develop an Internal Control Handbook for safe electronic communications within ID/OIOS
- Develop necessary databases
- Calculate statistics based on information in the CMS to be derived automatically rather than having information transferred manually into the format used for statistical reporting, which is the way statistics are currently generated

19. Ensure monthly prioritization of the case load.

20. Each document received should be recorded in the case file. The list of documents should contain a brief description which would allow supervisors/team-leaders and members of the relevant committees to understand the basics of a case upon a review of the file, as well as the ability to reconstruct the case file if any documents are subsequently removed.

21. Establish an internal information system in place such that: 1) there is always more than one person in ID/OIOS that has complete knowledge of the case; and 2) only the individuals who have complete knowledge of a case and their supervisors are the only individuals involved in the investigation activities.

22. Ensure efficient and adequate resources for support of IT as well as backup personnel to oversee electronic CMS and computer forensic tools.

23. Create an Internal Control Handbook on IT security matters including the handling of important and sensitive electronic case information. The handbook should address the handling of electronic case information in investigative work, as well as rules, regulations and procedures to follow in order to avoid the improper distribution of electronic case file documents (e.g., via private emails, downloading to memory sticks or hard drives) in a manner that bypasses a tracking system which would also identify the user/sender of the document.

24. One objective of ID/OIOS is to establish a paper-free CMS. However, documents that are only available in electronic information form and stored as word files can easily be changed (accidentally or willfully). PDF files can also be easily deleted (accidentally or willfully). In such cases, there is no audit trail in the system to track the identity of the person making the changes in the electronic case filing system. Thus, the paperless CMS must be one that is able to counteract such activity by tracking changes and users in order to ensure the validity and reliability of the documents in the system. Until ID/OIOS is able to convert over to a reliable case management system, it is recommended that ID/OIOS maintain a hard copy/paper filing system for each and every case.

25. Until a new CMS is established for case filing, it is recommended that the following activities be enacted with a sense of urgency, in order to have the case files in accordance with the basic needs of reliability and trustworthiness in investigations:

- Complete archives of hard copy files for all cases in ID/OIOS older than 5 years
- Describe in writing any lack of information or changes made to any document that might influence the original documents of the case files
- Secure every archive in ID/OIOS by moving archives to locations inside the ID/OIOS office; also implement necessary procedures to assure security and appropriate accessibility to the archives

- Draft a written document with detailed instructions and procedures for all case file archives in ID/OIOS

26. The archive system established should have a separate classification system for certain documents. Classified documents should be kept in a separate filing compartment.

27. Only the ID/OIOS staff operating the archives should operate and assume responsibility over the archives. This means that investigators should not have open access to the archives. Archive documents should only be accessed upon request. Hard copy documents should only be removed from the archive according to a set procedure which would consist of a written and dated confirmation stating the reason for removal of documents from the archive and the individual making the request. Written demands shall be made for the return of hard copy documents to the archive.

28. Establish a formal routine for the operations of the hard copy archives for ID/OIOS.

29. Maintain and secure the archives in ID/OIOS Vienna office by moving the archives to a location in the ID/OIOS office and ensuring both security as well as access by specific individuals with appropriate authority.

30. In order to allow for a secure and reliable electronic case filing system, it is recommended that ID/OIOS:

- Delegate to Help Desk personnel or other IT staff with the requisite amount of knowledge and expertise the task of drafting a risk management review of the electronic case files in ID/OIOS. The review should include a review of the back-up of electronic case files and vulnerability of the system.
- Decide upon immediate action that is to be taken in response to the findings from the risk management review.
- Demand an immediate report from the working group on CMS of the status of the work conducted thus far and the progress planned as a result.
- Study the CMS developed in OLAF to recover information useful for the development of a CMS for ID/OIOS.

Objective No. 4: Communication plan

Objective No. 4 is described in the Terms of Reference as follows:

Draft a communication plan (for inclusion in the Investigation Manual) – e.g. when to inform subject, when to inform supervisor, should complainant be apprised (and at what stage), and who should have access to the final report.

Introduction

There is no overall Communication plan in place for ID/OIOS today. There does exist fragments of communication information that can be found in various investigation-related documents (e.g., the mandate of OIOS, the ID/OIOS Investigations Manual, the brochure from OIOS presenting missions and methods). However, it seems very difficult for any one person outside of ID/OIOS to be able to obtain an overview and understanding of the rules and regulations for communications processes that are in place for the division.

External communication plan

Based on the information gathered and received during the course of this review process from relevant parties such as stakeholders and recipients of ID/OIOS investigative reports, there appears to be a noticeable lack of trust and faith in the investigative outputs and abilities of ID/OIOS. The reputation of ID/OIOS is suffering and needs to be improved.

The lack of trust and faith in the work of ID/OIOS, as perceived from the outside, is partly due to a lack of communication with regard to the outcome in successful investigations, as well as a lack of communication with regard to ID/OIOS's interactions with staff members who may be either the subject, complainant or witness of an investigation.

Most investigative units, including investigative bodies outside the Organization, appear to have more of a focus on internal communications processes, in part due to the nature of the confidentiality protections accorded to internal investigations generally, which limit the amount of investigative information that may be revealed to those outside of the investigation. Yet, external communications play just as vital a role if a division seeks to build and maintain relationships with individuals and entities outside the Organization that are based upon trust, faith and the investigative unit's reputation for high quality work. Having the trust and support of outsiders ultimately improves the quality of the overall output of the investigations unit. Thus, ID/OIOS should actively engage in building and improving working relationships with other divisions within the Organization. For example, building useful synergies with IAD through regular communications would promote sharing of information, knowledge and resources.

ID/OIOS should seek to make some major changes with regard to its external communications policies and procedures in order to build a relationship built upon trust and good faith. In order to do so, ID/OIOS must also implement effective policies and procedures that ensure timely and adequate communications with relevant parties outside ID/OIOS. In this respect, it is important to view all recipient communications as potential clients of ID/OIOS.

As work was begun in drafting a communications plan for ID/OIOS, it became obvious that two separate plans needed to be drafted – an internal and an external plan. Additionally, it became clear that there were several new strategic issues that should be addressed in the plan that had not yet been contemplated by ID/OIOS previously. Thus,

this draft contains the personal opinions with regard to strategic issues and principles for communication of the reviewer.

Effective and positive communication begins with the process of establishing a common understanding of the commitment and work of ID/OIOS, i.e., efforts to expose and pursue wrongdoings to safeguard the interests of the Organization. It is therefore suggested that the Under-Secretary-General of OIOS initiate a project involving senior managers and investigators that would develop a basic ID/OIOS communication plan as these individuals are the ones who are best situated to do so in terms of what they can contribute based upon their understanding of ID/OIOS and its interactions with outside parties.

Part of the process of developing an effective communication plan would involve identifying major stakeholders of ID/OIOS and their expectations. Responsibilities for the development of the communication plan should be clarified and delegated amongst the individuals involved. During this process, different approaches to communications will arise. Each approach should be carefully considered and weighed against alternative approaches for communications. The communication plan should also consider the relevant principles in building competencies for the future (e.g., a communications and client-oriented focus) as well as other overall principles for shaping the future of ID/OIOS and the Organization.

As part of this review, it has been requested that a draft communication plan for ID/OIOS be provided. However, a truly effective communication plan for ID/OIOS should be developed by those individuals who understand the work and processes of ID/OIOS from the inside. Therefore, what follows should serve only as a basic guideline to underscore the major issues and topics to be addressed in a communication plan for ID/OIOS. As will become evident, the final plan should be easy to follow and self-explanatory for those who may come to ID/OIOS subsequent to its drafting.

Internal communication plan

Based on the findings in this review, there seems to be a strong need for a separate internal communications procedure in ID/OIOS in order to inform individuals related to investigations of their rights to fairness and due process.

This plan should be distributed only within ID/OIOS. It is recommended that the plan set out the standards and principles for internal communications specifically within ID/OIOS (amongst the investigators and their supervisors themselves), which would include a guideline of the basic rules for the holding of regular internal meetings with supervisors and staff (i.e., when, where, who should participate and what items should be discussed).

The plan should be accessible via an intranet site with restricted access to ID/OIOS staff only. The site should be set up as a means to not only disseminate information and guidelines of internal communications, but as an instrument to foster and promote communications amongst ID/OIOS staff members as well. That is, through the intranet

site investigators should be able to share information, develop best investigative practices (either formally or informally), conduct e-learning for investigators (e.g., in investigative procedures, standard operating procedures (SOPs), interview techniques, report drafting skills) and any other forms of communication that would prove useful to ID/OIOS.

Service statement

It is recommended that ID/OIOS develop a service statement to be provided to complainants, subjects and witnesses of an investigation at their first contact with one another. The service statement should provide information and guarantees with regard to the responsibilities that are to be assumed by ID/OIOS when conducting investigations. The service statement should also provide information on ID/OIOS goals to be achieved in terms of the expectations of staff members and clients and stakeholders of ID/OIOS.

The service statement should be available on the UN web site to ensure accessibility to all staff members, complainants, subjects and witnesses.

Draft communication plan

Performance measures should be in place according to the goals set out in the communication plan. Results should be monitored and included as part of the periodic reports to the Secretary-General and the General Assembly.

The draft communication plan to be presented below, sets out the principles for ID/OIOS in its external communications with staff members, including complainant, subjects, witnesses and all other major parties with interests in the investigations conducted by the division.

By addressing the topic of communications, ID/OIOS demonstrates its commitment to balance the need for openness in the sharing of information and keeping clients informed with the taking of reasonable measures to protect strictly confidential and non-public information in association with any investigation conducted by the division or in cooperation with the division.

It is the overall responsibility of all supervisors in ID/OIOS to lead staff in acting in accordance with the commitment to cultivate a client-oriented focus, as well as ensuring the confidentiality of the information received. This should be one of the main areas for supervisors to address in their day-to-day responsibilities.

Below is a brief presentation of the draft communication plan that is provided as an example. ID/OIOS must ultimately decide upon an appropriate and comprehensive communication plan. As stated earlier, the draft communication plan is suggestive in nature. As such, it does not purport to be an all-inclusive communication plan.

The development of the communication plan is recommended to be supervised by the Acting Director of ID/OIOS in cooperation with an assigned project team within ID/OIOS.

Main principles of communication

The following are the main principles of communication which should apply to all staff members in ID/OIOS:

- Information from ID/OIOS staff should be relevant, adequate, correct, timely and in accordance with the rules and regulations existing for ID/OIOS at any time.
- In external communications, representatives from ID/OIOS should adhere to the following principles:
 - Engage in communication and show attention to all major clients to ID/OIOS
 - Strive to give all clients informative and accurate knowledge as to the nature of the investigative work
 - Inform clients in a timely manner and without significant delay on the closing of an investigation as well as keeping clients informed of progress or setbacks in order to give them realistic expectations of timelines

ID/OIOS conducts purely administrative investigation on behalf of the General Assembly

ID/OIOS is a part of the internal oversight services of the Organization. The mandate of ID/OIOS is to conduct fact-finding and administrative investigations based on complaints, allegations and reports of possible violations of rules or regulations, mismanagement, misconduct, waste of resources, abuse of authority or sexual exploitation and abuse, committed by anyone within the Organization.

The major task for ID/OIOS is to protect the Organization from fraud, corruption, waste and abuse.

Administrative investigations are conducted in order to establish facts and make recommendations in light of its findings. The authorization to conduct fact-finding is based on the authority from the Organization as an employer.

ID/OIOS acts on complaints that have been received but may also initiate its own proactive investigations to assess the potential for violations as mentioned above.

ID/OIOS also provides investigation assistance to Organization funds and programs.

ID/OIOS is accountable to the General Assembly through the Secretary-General.

Relevant rules and regulations in order to protect confidentiality and the rights of the individual

ID/OIOS has an obligation to protect the rights of the individual (which includes the right of confidentiality and protections against retaliation), the anonymity of staff members, due process and fairness during the investigation (A/RES/48/218 B).

The unauthorized disclosure of information constitutes misconduct (ST/SGB/273 paragraph 18 b).

The Under-Secretary-General of OIOS shall designate the officials authorized to receive suggestions and reports from the investigation conducted by ID/OIOS (ST/SGB/273 paragraph 18 b).

Sources of Complaints

ID/OIOS depends largely upon the notification of suspected fraud, corruption, waste and abuse to successfully detect and pursue such wrongdoing in the best interest of the Organization.

ID/OIOS accepts all complaints and ensures that the identity of complainants contacting the division in good faith and of their own free will, remain confidential and may, at its discretion, decide to protect the identity of staff and other complainants against reprisals.

ID/OIOS respects the anonymity of any complainants who ask to be protected from being identified. If a complainant wishes to remain anonymous, even if no disciplinary action could be taken without the complainant's testimony, the anonymity of the complainant will be respected by ID/OIOS.

No action shall be taken in retaliation against any staff member or other person (non-staff members) for making a complaint or providing information in good faith to ID/OIOS.

Any staff member or other persons (non-staff member) can inform ID/OIOS in the following ways:

- 24-hour phone hotline (voice receiver): (212) 963-1111
- E-mail
- Letter to ID/OIOS: Reporting Facility
 DHCC
 P.O. Box 20114
 New York, New York 10017

- Contacting ID/OIOS at Headquarters in New York (Front Desk) (insert)

- Contacting ID/OIOS in one of the following duty stations outside Headquarters

Investigations and investigative reports

The investigation will be conducted in a manner so as to protect confidentiality and to avoid identification of the complainants or witnesses by the subject or other witnesses during the investigations.

Investigators will not reveal the identity of a staff member without consent from the staff member.

In cases where few persons are involved and in which there may be a high risk of complainant identification, investigators will engage their best efforts to obtain information from sources, without risking the identity of the complainant.

ID/OIOS has unrestricted access to work areas, work records and electronic information within the Organization. Therefore the investigation can be based on a number of sources of information, without conducting interviews of the subject for the investigation.

If the situation allows, an investigative report will be written in a manner to protect the identity of persons as mentioned above.

Investigators may cooperate with other Organization agencies and programs, local authorities and other parties in investigative matters, taking into consideration the confidentiality of the investigative process.

All materials collected during an investigation, as well as records from interviews, electronic information, work records, video, audio or other investigative materials, will be safeguarded in order to protect such materials from unauthorized access to investigative findings.

Interviews of witnesses

Staff members who are likely to have important information relevant to the investigation may be asked to be interviewed in-person, by phone or e-mail.

Staff members have a duty to respond fully and completely to ID/OIOS investigators. Generally, staff members will be given notice of the time and location of the impending interview. However, if the circumstances arise in which there is not sufficient time to do so, staff members still have a duty to respond as soon as possible and without undue delay.

Interviews shall generally be conducted by two investigators unless circumstances require otherwise.

The witness shall have the right to request that the interview be conducted in his/her own language with the use of an interpreter.

The witness shall understand his/her rights as to confidentiality protections and fairness and due process prior to providing any statements related to the investigation.

The witness does not have the right of access to any draft investigative report or findings of the investigators. The witness will generally be asked to confirm any written statement made in interviews with investigators, but not the right to receive a copy of such written statement. In most cases, investigators shall read the draft statement based on the interview and ask the witness to comment upon any discrepancies or misunderstandings.

Interviews of the subjects of an investigation

Subjects of an investigation have an obligation to respond to investigators and to assent to interviews during the course of an investigation.

The subject has the right to know the allegations made against him/her, as well as the major findings of the investigators before the case report is finalized by the investigator(s) in charge of the case.

The subject has no right of access to any evidence or information from the case prior to being interviewed. If the subject does not agree to being interviewed, the investigator will describe in the investigation report that the subject did not respond or refused to be interviewed.

The subject will normally be interviewed by two investigators unless circumstances require otherwise and have the right to request that the interview be conducted in his/her own language with the use of interpreters if needed.

The subject has no right of access to any hard-copy of the draft investigative report or of the findings of the investigators.

The subject shall be asked to confirm any written statement made in interviews with investigators. The subject does not have the right of access to any copy of such written statement. In most cases, investigators shall read the draft statement from the interview and ask the subject to comment upon any discrepancies or misunderstandings.

Access to documents from an investigation

No subject, witness or complainant shall be given access to any hard copy or electronic information from the investigation.

The Under-Secretary-General for OIOS shall designate the officials authorized to receive suggestions and reports from the investigation conducted by ID/OIOS (ST/SGB/273 paragraph 18 b).

Member states of the Organization have access to investigative reports. Any names in the investigative report will be redacted in order to ensure confidentiality.

The Organization should propose the addition of an audit clause in procurement contracts with vendors that would allow access to records and documents from vendors should ID/OIOS or audit investigations occur.

Opportunity to respond

The subject of an investigation has the basic rights of due process and fairness as mandated by the General Assembly and described in the ID/OIOS Investigations Manual. These rights include the right to respond and to have a meaningful opportunity to present documentary or other information or witnesses to rebut preliminary conclusions from the investigation. This right applies even in the instance that the subject refuses to provide any information of relevance to the investigation.

Media relations

During the course of an investigation, ID/OIOS should make efforts to avoid any attention from the media that may damage the investigation or risk the identification of complainants, witnesses or subjects. The media should only be contacted in order to prevent further wrongdoing (fraud, waste, corruption, etc.). If conflicts between different interests arise, the interests of the Organization shall always have priority.

Assistance to Organization agencies

ID/OIOS shall provide assistance and advice to Organization agencies and programs from Headquarters in New York or from local offices elsewhere.

The following is a list of experts in specific areas in ID/OIOS. The list should serve as an internal resource for personnel in the different areas of investigations:

Type of case	Name	Phone	E-mail
Procurement cases	(To be filled in)	(insert)	(insert)
Abuse of authority	(To be filled in)	(insert)	(insert)
Treasury	(To be filled in)	(insert)	(insert)
Fraud	(To be filled in)	(insert)	(insert)
SEA cases (sexual exploitation and abuse)	(To be filled in)	(insert)	(insert)
Others	(To be filled in)	(insert)	(insert)

Integrity and ethics

Investigators should meet the highest standards of ethics and integrity in their investigative work.

ID/OIOS shall not pay any complainant, witness or subjects for information. However, within the rules, policies and procedures of the Organization, the person interviewed may be given reasonable compensation for necessary and relevant expenses (e.g., travel expenses).

Recommendations for Objective No. 4

Be aware that the recommendations below also affect other issues in this review and thus, are not relevant for communications only. The issues are addressed below because they are relevant components of internal communication and the external communication with staff members, peacekeepers and other stakeholders and clients of ID/OIOS.

31. ID/OIOS should make efforts to build a network and relationships of trust with different agencies and programs of the Organization to enhance future dealings and be more responsive to the needs and concerns of the client.

32. Submit a communication plan to be distributed to ID/OIOS staff, all major stakeholders and clients to ID/OIOS. Define and describe the following:

- The rules and regulations of the Organization – e.g., what is an offense?
- Processes and limitations of prosecution of staff members of the Organization

33. Ensure that there is a clear and comprehensive understanding of the ways in which investigators may interact with Member states, for example, the type of information a Member state may provide to the investigators, as well as the most efficient ways to work with Member states during investigations.

34. Describe the limitations that exist in terms of access to information outside the Organization.

35. ID/OIOS must ensure that major stakeholders to ID/OIOS have knowledge and understanding as to ID/OIOS strategy, case proceedings and due process procedures followed by investigators in ID/OIOS.

36. The Organization should propose the addition of an audit clause in procurement contracts with vendors that would allow access to records and documents from vendors should ID/OIOS or audit investigations occur.

37. Develop a service statement for ID/OIOS to provide information and guarantees of the responsibilities when conducting an investigation.

38. ID/OIOS should take responsibility for any wrongdoing committed by ID/OIOS in the course of an investigation, which would include monetary compensation or restitution.

39. There is little to no contact between ID/OIOS and the other divisions within OIOS. PTF is the only unit having some regular communication with the auditors in IAD. Audit findings are evidently of important value to investigators, as they can estimate the risk with regard to violations of Organization rules and regulations, i.e., in those specific areas which have been assessed by the auditors. Information from IAD can also be of great importance to certain investigations conducted by ID/OIOS. It is recommended that Operations Managers in ID/OIOS meet with the IAD staff members responsible for IAD operations, on a monthly basis to ensure that ID/OIOS has access to information of importance, so as to prioritize cases and conduct investigations in conjunction with the relevant assessments and information provided by IAD. Communications with IAD should also include ID/OIOS updates on matters in accordance with the applicable ID/OIOS confidentiality provisions.

40. IAD and ID/OIOS should work towards building and improving their working relationship by increasing the amount of interaction and working jointly towards developing an understanding of risk issues in different areas of operations. Joint projects and training programs should be discussed in terms of future goals.

41. ID/OIOS should be able to obtain assistance from auditors in IAD in cases where audit experience is needed or in cases where an auditor has knowledge of the case and therefore should take part in the investigation. There should be arrangements in place to include auditors in the investigation of case by ID/OIOS if and when such expertise is needed.

42. ID/OIOS personnel should conduct training sessions for IAD staff in areas such as investigative practice and methods, rules and regulations, quality assurance, as well other issues that would be of importance to auditors in the Organization.

43. Develop a separate and additional internal communication plan for ID/OIOS staff that sets forth the standards and principles for internal communications, including a guideline of basic rules for regular internal meetings with supervisors and staff.

44. Identify and specify the legal and jurisdictional basis for the work of ID/OIOS. Specify these limitations. Some legal issues that may need to be addressed are:

- Who can be the subject for an ID/OIOS investigation?
- What are the rules and regulations applicable to Organization staff and military members? Where there are different rules and regulations that apply to each, explain in detail.
- Provide distinctions between Category 1 and Category 2 ID/OIOS cases.
- Which forensic tools are to be used in the investigation?

- What are the existing precedents for the different categories of cases in the Organization that are relevant for ID/OIOS (information from Conduct and Discipline Team, Joint Appeals Board, Joint Disciplinary Committee and others)?
- Address the problems and consequences of delays in investigations.
- Possibilities and restrictions for search and seizure within the Organization.
- Obtaining of information outside the Organization.
- Referral of cases – when and to whom?

45. Provide a written investigations manual of the rules and regulations of the Organization in order to ensure that all investigators understand the workings of the judicial system within the Organization, including the important limitations that apply to the conduct of investigations. Describe the procedure that is in place in the Organization with regard to investigations of violations of the rules and regulations of the Organization. The investigations manual should describe the organization structure, reporting lines, the archive system, the process for filing documents in the electronic case filing system and the duties and responsibilities of the various positions within ID/OIOS. A separate investigations manual should be created for investigations of SEA cases.

46. Create written guidelines for ID/OIOS (SOPs or to include within investigations manual) on how investigators should conduct searches and seizures of documents or other evidence during an investigation. Also include detailed instructions on the protocols involved when seizing and recording the facts of the items seized, i.e., descriptions of items seized, location of item, securing and recording item in the appropriate place.

47. ID/OIOS should hold weekly meetings via videoconference at the supervisor level. Participants to the meetings should include: the Director, Deputy Directors, all Operations Managers. Other participants to the meetings should be decided based upon the specific issues to be raised in the meetings.

48. Ensure that there are open lines of communication between investigators to enable cooperation and the sharing of work experiences.

49. ID/OIOS should have access to videoconferencing equipment that would allow for ID/OIOS personnel to communicate with one another between the different ID/OIOS offices located in New York, Europe and Africa. Investigators working on the same case but from different stations should be able to have daily contact with one another by videoconference or phone meetings.

50. There should be at least one conference each year in which all ID/OIOS investigators have the opportunity to participate. These conferences should focus on SOPs, best practices and lessons learned, etc., as a means to further inform and train investigators and ensure increased uniformity with regards to methods and proceedings.

51. In order to develop a fine-tuned communication system amongst managers, investigators and administrative staff members, ID/OIOS should create an electronic Best Practices Handbook in the Lotus Notes system.

52. Ensure that ID/OIOS investigators have clear guidelines as to the limitations of their authority and power as investigators of ID/OIOS.

53. Establish a reporting system for cases investigated - from ID/OIOS to Program Managers to Office of Human Resources Management (OHRM).

54. ID/OIOS should inform all Organization staff of their roles within the Organization.

55. Heads of affected agencies, programs and offices of the Organization should be informed of ID/OIOS investigative proceedings.

56. Establish information proceedings between ID/OIOS and the Controller that would allow and facilitate the sharing of information, lessons learned, and ways to prevent future fraud within the Organization. If ID/OIOS obtains information of ongoing fraud, such information should be given to the Controller in order to prevent further losses and immediately commence efforts to protect the vital interests of the Organization.

57. Ensure regular communications, i.e. at least quarterly meetings, between the Director of ID/OIOS and the supervisors in OHRM.

58. Define the due process requirements for internal investigations within the Organization and adopt the recommendations from the Conference of International Investigators (Annex 16).

59. Establish requirements in order to secure fairness and due process with regard to the following:

- Rights of a complainant
- Interests of the witness
- Whistleblower protections
- Rights of the subject of an investigation
- ROC
- Information (what type of information, when is it to be provided and to whom?)
- Contradictions/Inconsistencies
- Self-incrimination
- Obligations to identify the specific rules & regulation violated (specifically in misconduct cases)
- Rights of the subject to defend himself/herself
- Confidentiality provisions (to protect victims and complainants from reprisal)
- Notification of case closure to relevant individuals
- Right to re-examine
- Predictability and reliability of processes
- Ethical standards of investigation (maintaining the respect and dignity of the individual)

- Control mechanisms to ensure that the investigation is conducted according to the laws, rules and regulations existing within the framework of the Organization

60. The due process rights for the subject of an investigation should also include:

- the right to choose the language to be interviewed in (use of translator may be required). The right to be assisted by a consultant also chosen by the subject. The consultant has the right to be present during the interview but not the right to ask questions or interfere with the conduction of the interview.
- the right against self-incrimination, meaning that the subject has a right to refuse to answer questions that might incriminate himself/herself.
- the right to have the contents of any written summary or record of conversation presented to the subject orally, but will not be allowed a copy of such written statement. Any amendments or comments from the subject to the written statement should be incorporated into his/her statement.

The subject should be duly informed of the rights listed above. The subject should not be entitled to have access to any document from the case but should be given a fair opportunity to read and comment upon the final draft investigative report before such report is submitted.

61. A staff member who is the subject of an investigation should be given a reasonable amount of time in which to answer and comment upon the draft final investigative report from ID/OIOS prior to its submission to the Under-Secretary-General of OIOS.

62. When conducting an investigation where a staff member is the subject of the investigation, investigators should be able to acquire detailed knowledge and information of the subject's work and workplace, e.g., duties, responsibilities, interactions with other co-workers, office rules and regulations, procedures. One way in which this may be done, for example, may be to conduct a short term observation period of the workplace and related work offices of the subject.

63. Investigators must be professional and fair when conducting investigations. It is important to the interviewing process that the witness/subject understand and perceive that they are being treated in a manner that is fair and respectful notwithstanding the circumstances and/or allegations of wrongdoing.

Objective No. 5: Technology and tools

Objective No. 5 is described in the Terms of Reference as follows:

Identify the best practices in technology and tools (forensic tools, case management systems etc.) used elsewhere for managing investigation cases and propose practical measures for implementing them at ID/OIOS. This recommendation should include a

comparative cost analysis of various tools, hardware and software.

Forensics

Forensic techniques encompass a wide range of areas. For example, the field of forensics includes areas such as forensic dentistry, forensic medicine, forensic pathology, forensic psychiatry, forensic toxicology as well as many other areas of forensic expertise.

The main area to be addressed in this report is computer forensics, while related forensic issues will be briefly discussed. (A related discussion of the CMS is not discussed in this section but can be found in Part B, Objective No. 3).

Computer forensics

Computer forensics is defined by DIBS USA Inc. (one of the leading expert groups in computer forensics) as:

“Computer forensics is the scientific examination and analysis of data held on, or retrieved from, computer storage media in such a way that the information can be used as evidence in a court of law. The subject matter includes:

- The secure collection of computer data
- The examination of suspect data to determine details such as origin and content
- The presentation of computer based information to courts of law
- The application of a country's laws to computer practice.”

(<http://www.dibsusa.com/index.asp>)

Additionally, DIBS USA Inc. states that the challenges of computer forensics include the following:

“When handling computers for legal purposes, investigators increasingly are faced with four main types of problems:

- How to recover data from computers whilst preserving evidential integrity.
- How to securely store and handle recovered data.
- How to find the significant information in a large volume of data.
- How to present the information to a court of law, and to defense during disclosure.

The traditional response to these problems have been to: 1) ignore computers altogether; 2) to assemble 'home grown' equipment and procedures; or 3) to use outside 'so-called' expert services.

The first of these options, i.e., to ignore the potential of computer-based evidence entirely, is unacceptable in today's day-to-day information technology-reliant practices. Furthermore, disregarding computer-based evidence may inevitably lead to the lack of investigation of existing criminal practices. The second option of relying on 'home grown' techniques has given rise to a plethora of untried and non-standard techniques which ultimately do not meet or satisfy forensic objectives. Finally, the third option too often results in the use of outside 'expert services' which overcharge and under-perform, while also being deficient in both training and the understanding of basic forensic techniques.

In the past two years, awareness of the need for professional computer forensic services and equipment amongst the legal community has increased substantially as many potentially successful prosecutions are at risk of failure due to unsatisfactory equipment, procedures and presentation in court." (Ibid.)

It appears that in several cases, ID/OIOS investigators have been accessing various e-mail accounts through the assistance of local IT personnel within the Organization. These local IT personnel are able to obtain assistance from within their duty stations. However, it seems that this form of assistance does not secure the integrity of the data in a professionally acceptable manner because of the high risk that the electronic evidence may be corrupted and/or destroyed during the process. As a result, this method lacks reliability and validity, providing the investigators little to no opportunity for identifying deleted files.

Based upon the understanding of the reviewer, the local IT personnel will normally access the staff member's e-mail without the individual's knowledge, as currently there are no guidelines in place for the reporting of the computer forensic investigations conducted, e.g., the extent of the search that has been made, the number of e-mails searched and the findings of the search.

Because there is an obvious and urgent need for the establishment of computer forensic procedure, tools and training among investigators in every ID/OIOS office, the cost of training and the provision of the necessary computer forensic tools and equipment required for investigators is not unreasonable nor is it impractical. This may simply require, for example, that one of the investigators be given additional computer forensic training in order to assist the other investigators on the team, as any one investigator can easily acquire the knowledge necessary to conduct this kind of investigation.

The SOP for IT forensics has been drafted but has still yet to be finalized as of 24 May 2007. The SOP can be found attached to this report (Annex 13). The draft SOP addresses the following: 1) the need for standardization for stand-alone computer investigations; 2) other electronic sources of evidence (e.g., memory sticks, CDs, DVD-Roms, diskettes and other devices containing electronic information); and 3) the basic ways to ensure evidence identification. Other computer forensic issues are to be addressed in separate SOPs or informational documents.

Access to electronic information within the Organization is set forth in ST/SGB/15/2004.

Based on the information received from ID/OIOS, there have been 29 cases involving images of hard drives. In 6 of the cases, the search for evidence was conducted by the one and only forensic expert in ID/OIOS, who is based in Vienna. It is not known what has been done in the other 23 cases.

Comparative tools

The cost analysis presented below is based solely on internet-based research on suppliers known to specialize in computer forensics. As such, there may be other programs available through companies not listed below.

Price differentials amongst the various vendors may also be dependent on the number of licenses a customer buys. The license cost must be analyzed over a period of years, including upgrades and annual payments. In addition, an important part of the cost is based upon the training involved in order for the investigators (users) to learn how to use the tools. At present, no price requests or inquiries have been made to compare the prices of the different tools which may be used by the Organization.

There are several different computer forensic tools in the market which are known by experts to be used to conduct mirror images of hard drives and searches for computer evidence. Based on interviews with computer forensic experts, the most common tools used are the following:

Vendors	Tool	Price – one license	Comment
Guidance Software (www.guidancesoftware.com/index.aspx)	EnCase	Not available (N/A)	
Ilook Investigator – Forensic Software (www.ilook-forensics.org/homepage.html)	Ilook	N/A	Used by ID/OIOS Vienna (the sole computer forensic expert in ID/OIOS)
Mares and company (www.dmares.com)	Offers different software for computer forensic and training	N/A Some programs are free. Price is given upon request.	

DIBS USA Inc (www.dibusa.com)	Forensic Toolkit and Ultimate Toolkit	N/A	Be aware that Forensic Toolkit is sold by several companies.
Access Data (www.accessdata.com)	Forensic Toolkit	USD 395 per license	Be aware that Forensic Toolkit is sold by several companies.

These are some of the basic tools used to search and secure e-mails in accordance with the highest levels of evidential integrity and professionally accepted computer forensic standards. Additional tools for searches on other forms of electronic information, including cellular phones, are not mentioned in this report. The development of different tools in this particular area is extremely broad and increasingly expanding. As a result, there is a growing need for in-depth forensic knowledge to identify the best tools to be used by investigators in the Organization.

Tools used to capture and analyze information

There are different tools available to capture and conduct intelligence data mining of written information. This can facilitate investigations and prove helpful to investigators by analyzing, processing and linking data in a way which is not humanly possible. Two different tools for information and data analysis that are currently used by law enforcement agencies are mentioned below. Please note that the following list is not exhaustive (as there may be various other tools related to the analysis of information available in the marketplace that are not mentioned in this report):

- **Analyst Notebook**

The company i2 Ltd. (www.i2.co.uk) is one of the leading worldwide providers of investigative analysis and visualization software for law enforcement agencies as well as other investigative bodies.

The company has developed different software and databases to assist investigators in capturing data from different sources, analyzing and understanding data, and organizing or structuring complex information.

- **ZyLAB**

In the comparative study of OLAF (EU), it was found that by scanning certain documents into the software (as TIFF files), the ZyLAB program was able to convert written documents into electronic documents, thereby enabling a comprehensive search for letters and figures within the documents scanned. This would be extremely helpful when conducting background checks in new cases, as well as analyzing information in an ongoing investigation.

An informational presentation on ZyLAB's program can be found at (www.zylab.com).

This tool is used by different law enforcement agencies, as well as consulting firms with a forensic practice.

Databases for background checks

There are several background check databases that may be used in ID/OIOS cases in which background checks would prove useful to investigators.

It is important to identify the different databases in different countries that ID/OIOS would be able to access as open source databases. Some of the available databases are free of charge.

Additional databases which charge fees need to be identified and researched in order to ensure their respective capabilities with regard to conducting the most thorough and effective investigation.

Investigators in PTF may be able to provide a list of US-based databases adequate for the kind of investigations ID/OIOS may be conducting.

Other investigative tools

There are a number of other investigative tools that are needed for ID/OIOS investigations. Several of them are listed below.

- **Tools to encrypt data**

Because ID/OIOS must often send confidential information via the internet, procedures must be implemented in order to secure such information. Currently, ID/OIOS does have a tool to encrypt data sent by e-mail (f-secure). However, it is not known whether this encryption tool is commonly being used by investigators.

- **Digital cameras**

Small digital cameras are needed to take pictures of crime scenes. A digital camera can easily transmit pictures to a PC and may also be used as video camera if needed.

- **Tape recorders**

Tape recorders and software may be used in combination in individual interviews. These serve as effective tools to ensure the documentation of statements from complainants, subjects, witnesses and other individuals related to the investigations.

Tape recorders may also be used by investigators in order to assist in recalling information to be included in written reports.

- **Laptops**

Laptops are absolutely necessary for investigators who are traveling and changing locations in the process of conducting an investigation and obtaining evidence.

- **Intranet site for ID/OIOS**

Investigators need a place where they can share information on SOPs, ethics, the overall integrity of the investigation, best practices toolbox and weekly information (bulletins) of what is going on in the division. One solution may be to give all investigators in ID/OIOS access to their own intranet site in the Organization.

- **DNA test**

In various SEA cases, as well as other cases investigated by ID/OIOS, DNA samples may need to be taken. In such instances, the requisite DNA test equipment should be available in every ID/OIOS office. Furthermore, practical procedures should be set forth in order to yield test results that meet the standards of forensic expert practices.

- **Tools to secure the crime scene**

In some cases ID/OIOS needs additional tools to secure the crime scene. Skilled investigators who have police background are aware of the tools needed and can describe the kind of tools recommended to be available in every ID/OIOS office.

Recommendations for Objective No. 5

64. Ensure that ID/OIOS investigators have the basic equipment needed for ID/OIOS investigations:

- Laptop for each investigator
- Tape recorders (voice recorders)
- Portable printers
- Digital cameras
- Computer forensic equipment
- Equipment needed for the searching and securing of fingerprints
- Equipment for obtaining DNA samples

65. Use computer forensic tools in order to take advantage of IT capabilities and direct efforts towards strengthening computer forensic skills, tools and resources generally.

66. Incorporate new computer forensic methods, tools and practices, for example:

- Complete SOP for computer forensics for stand alone PCs
- Establish templates for forms to be used for search and seizure of any electronic evidence
- Establish routines for identification, transport and storage of computer evidence
- Provide written descriptions of types of electronic evidence to be investigated (in pending as well as completed searches)
- Establish archives for original electronic evidence and copies (images)
- Strengthen skills, resources and tools on computer forensics

- Acquire the ability to conduct electronic searches of information on cell phones
- Acquire the ability to conduct searches of information on fax machines
- Use of operational analysis tools (Analyst Notebook or other tools)

67. Ensure adequate backup for the IT support personnel in ID/OIOS that oversees electronic CMS and the computer forensic tools.

68. ID/OIOS should develop, together with other investigative units within the Organization, data mining tools as fraud investigation tools, as a means to improve the capabilities for the detection of fraud.

Objective No. 6: SEA cases

Objective No. 6 is described in the Terms of Reference as follows:

Evaluate the current ID/OIOS role in investigating allegations of sexual exploitation and abuse in the context of other UN entities (CDTs, TCCs, etc.) that are engaged in the subject and recommend how the ID/OIOS' role and relevant investigative processes could be rationalized.

Introduction

In 2002, reports by humanitarian workers in West Africa of sexual exploitation and abuse (SEA) committed by Organization personnel began to surface. These reports sparked a number of activities within the Organization directed towards fighting serious crimes against the local population that the Organization had initially aimed to protect. ID/OIOS was asked to conduct an investigation and subsequently submitted its report in 2002 (A/57/465). After the submission of the initial report, additional reports from the Secretary-General were submitted to the General Assembly. These additional reports contained further information concerning the frequency of occurrences of serious SEA cases in the missions, as well as initiatives to combat them.

SEA cases have negative consequences for all those involved - the victims, the perpetrators and peacekeeping operations generally. For the latter, SEA cases may seriously impair the functioning of peacekeeping operations, thereby hindering the DPKO from achieving its mandate.

SEA cases in peacekeeping operations

SEA cases are defined in the Secretary General's Bulletin of 9 October 2003 as:

Sexual Exploitation: Any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual Abuse: Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Pursuant to A/58/708, all SEA cases are classified as Category 1 cases (Annex14) and shall therefore be investigated by ID/OIOS. This includes allegations against both military peacekeepers and civilian Organization staff members. Additionally, all Organization personnel have a duty and responsibility to report SEA.

SEA cases comprise the majority of the case load for ID/OIOS investigators in UN Operations in the Democratic Republic of the Congo (MONUC) and the UN Mission in Sudan (UNMIS). Since procurement cases are investigated by PTF, SEA cases are the most common types of cases investigated by ID/OIOS in all missions.

Currently, there is no reliable system in place to identify and assess the progress and success of efforts that have been implemented to prevent SEA in the missions. There is currently a lack of specific information or documentation that would provide knowledge of the number of SEA cases and whether the number of cases have risen or declined since the General Assembly began its initiative to address and combat the occurrences of SEA. Because the uniform reporting procedures are not adhered to properly, the number of SEA cases reported by both the OIOS and the Conduct and Discipline Team (CDT) is unreliable, which prevents an accurate numerical comparison between the data of the OIOS and that of the CDT.

ID/OIOS has an obligation to investigate all allegations of SEA (Category 1). In terms of case prioritization, a risk assessment priority (RAP) scoring system is used within ID/OIOS in order to determine which cases, based on a specific set of criteria, are to be dealt with first. However, the RAP system has proven to be inadequate as a means to assist supervisors and investigators in the identification and prioritization of different SEA cases. This is because all SEA cases automatically receive a RAP score of more than 100. As a result, amongst that SEA cases to be investigated, those with a high level of priority are undistinguishable from lower priority cases based on the RAP scores.

Difficulties involved in SEA cases

Cases of SEA are often difficult to investigate for several reasons. Because SEA cases may involve serious crimes (e.g. rape or sex with minors), they require detailed investigations that are extremely time-sensitive and time-consuming. For example, complainants often make reports and provide information weeks or months after the offense has been committed. As a result, the ability to investigate the crime scene and to seize evidence is severely compromised. Additionally, the victims themselves may have difficulty identifying the perpetrator necessitating the arrangement of a photo identification or line-up. Other factors that contribute further to the difficulties in investigations include potential changes and inconsistencies in a victim's account of events with the passage of time, a victim's recant of the positive identification of a perpetrator, or the large number of witnesses that may need to be interviewed for fact-gathering and corroboration. In certain instances, investigators uncover facts that lead

them to believe that victims have forced alleged perpetrators to make monetary payment based on allegations made to the Organization. Subsequent to payment received from the alleged perpetrators, victims have withdrawn their allegations.

Because of the existing case load, ID/OIOS grants priority to older cases. For example, since peacekeeping personnel are normally on mission for a period of 12 months, priority would be given to cases closest to 12 months old. Priority is granted to the older cases in order to ensure the opportunity to interview the subject before s/he leaves the mission, since once peacekeeping personnel leave the mission, it becomes close to impossible to obtain interviews with the subjects involved.

Cases are further prioritized by the supervisors in ID/OIOS's Vienna office or Headquarters in New York. That is, prioritization decisions are made far from the crime scene itself and the investigative resources. This is both impractical and time-consuming. The reporting lines for SEA cases in the missions are as follows: (1) Investigator (in the mission) – (2) Chief Resident Investigator (CRI) in the mission – (3) Operations Manager (Nairobi) – (4) Operations Manager (Vienna) and/or Deputy Director (Vienna) – (5) Director (New York). Within these reporting lines, there are three different legal editors reviewing the final reports. Additionally, there are two people in ID/OIOS in New York who may also review the reports. Among the two people in ID/OIOS's New York office, the Operations Manager advises the Director in the writing of the final report, prior to its submission to the Under-Secretary-General of OIOS. Consequently, a draft investigative report in a SEA case may easily be reviewed by more than 8 persons within ID/OIOS.

Before the official start of an investigation, the local ID/OIOS investigators must file the requisite documents via the Citrix system. The Citrix system is the ID/OIOS server for electronic information storage and exchange. Currently, the Citrix system is the only way in which to file case documents. On average, it takes more than 40 minutes to store a single page of information into the Citrix system. Therefore, the length of time required to file documents via the Citrix system serves as a major hindrance to investigators in most missions, as it results in significant delays to the investigation process.

Furthermore, once the local ID/OIOS investigators have fulfilled the obligations to submit case information via the Citrix system, the local ID/OIOS investigators must then wait for certain approvals from the ID/OIOS's Vienna office (Level 4). This is because instructions to start an investigation, the approval of a working plan and the issuance of preliminary investigation reports are all decisions that are made in ID/OIOS's Vienna office.

Once the investigation has begun, the investigation itself raises additional issues to be addressed. For example, investigators may find themselves in the position of asking victims difficult questions of an extremely personal nature, e.g., references to various parts of the human body and one's sexual behavior, which are undoubtedly sensitive issues for individual across different cultures or religions. In some countries, it is socially unacceptable to ask questions of such personal nature. Due to the sensitivity of the situation, there is a very high risk of misunderstanding in both directions, i.e., the

questions asked and the responses given. Thus, the language barrier is another challenge for investigators and translators in terms of communicating questions and eliciting informative responses in a manner that is both sensitive and understandable to the complainants, victims and witnesses involved.

Other difficulties are encountered when attempting to discern the factual circumstances with regard to the types of relationships that had existed between complainants and Organization peacekeeping personnel involved. For example, there have been instances in which the investigations revealed that the victim had been living voluntarily in the houses of Organization peacekeeping personnel in a sexual relationship - anywhere from several months to the duration of the time spent in the mission. When the Organization's peacekeeping personnel left, the complainant claimed for the first time that s/he had been a SEA victim.

In cases of alleged sex with minors (under the age of 18) it may be difficult to establish the age of the victim for several reasons. First, birth certificates may be easily falsified. Second, often there may be no central registrar in place to obtain accurate information on the age of a victim. Third, medical forensic experts are not used to establishing the age of the victim. However, interviews with family members may be one reliable way to establish the likely age of the victim.

Finally, some allegations may be motivated by financial reasons, as mentioned above, in places where the victim and his or her family are living in conditions of poverty. The leaving of a partner or paramour who had previously been supporting the complainant financially may be another motive for the filing of false SEA allegations. In one particular instance, two women on two different occasions, arrived at the CDT office with what appeared to be a non-native-looking infant, each claiming to be the mother of the infant as proof that SEA had been committed by an official.

While providing financial support to alleged victims of SEA cases is a valid consideration, this may also lead to an increase in the number of false SEA cases reported. The Organization has no effective means in place to handle this increase of potentially false SEA allegations. A false SEA allegation has the potential to destroy or negatively impact an innocent individual's life and career. Thus, cases should be investigated in a manner that would afford the necessary legal protections to both the victim and the individual against whom the false allegations are made. Ensuring such protections may prove difficult in situations where individuals are facing conditions of extreme poverty and deprivation.

SEA cases represent serious crimes which must be investigated properly by professional investigators who have the requisite background and experience. In cases where children have undergone significant trauma, trained experts are needed in order to deal with the victims in an effective and appropriately sensitive manner.

In spite of the problems and difficulties presented by SEA cases, some of which have been discussed above, most investigators interviewed in this review maintain that

investigations into SEA cases are relatively uncomplicated and straightforward, and therefore, do not require specific investigative skill.

Entities involved in the enforcement of standards

Embodied in the General Convention and Model Status of Forces Agreement (SOFA) are mechanisms within the Organization to deal with civil claims against all peacekeeping personnel.

All Organization officials violating the standards set forth may be investigated by ID/OIOS or the CDT in cases of sexual harassment. If the investigation substantiates the allegations, the case is then sent to Headquarters in New York for disciplinary sanctions.

Officials and experts on mission

With respect to criminal accountability, although the Secretary-General may waive the immunity of Organization peacekeeping personnel involved in certain instances, waiver of immunity does not typically apply to SEA cases since the criminal offense is likely to not have been committed in the performance of the official duties of the official or an “expert on mission,” i.e., the status granted to members of the civilian police and military observers (Convention on Privileges and Immunities of the United Nations art. VI, Feb. 13, 1946, 21 U.S.T. 1418, 1 U.N.T.S. 15). Thus, in cases where immunity does not apply, if evidence of the crime is sufficiently substantiated, the judicial authorities of the host country may assume jurisdiction over the case. However, should the host country decide to close the case and forego follow-up investigation or prosecution, the Organization has no forms of recourse or sanction.

Military Members

In contrast to the rules and guidelines that are applicable to Organization officials and experts on mission, military members of Troop Contributing Countries (TCC) are subject to the exclusive jurisdiction of the respective TCC. The TCC is responsible for both criminal and disciplinary actions against any member of its national contingent. If a preliminary investigation conducted by the peacekeeping mission shows that an allegation is sufficiently substantiated, a Board of Inquiry (BOI) is formed.

The Secretary-General can order repatriation for any military peacekeeper found to have violated standards of conduct of the Organization, either by the BOI or a preliminary investigation. However, the Secretary-General has no disciplinary authority over any members of national contingents.

ID/OIOS’ role in investigating SEA cases

Investigation is essential in order to enforce the standards set out by the Organization. Anthony J. Miller has described the importance of investigations in the fight against sexual exploitation and abuse in peacekeeping operations (Annex 15). Miller’s

explication is important to the area of SEA investigations because it serves to delineate the more complex legal issues and contributes to a better understanding of SEA cases. Miller, who served as legal advisor to H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein during the period in which Zeid prepared his report on SEA, states:

“An essential step in the strategy to enforce the standards of conduct for peacekeeping operations is to have an effective investigation into all allegations. If investigations are unprofessional, then there will be no accountability, no matter how well the rules against sexual exploitation and abuse are drafted.” (Miller 83).

Currently the CDT and ID/OIOS split SEA cases and cases of sexual harassment. There is no formal system in place to determine how different types of cases are to be handled or channeled. In practice, CRI will generally decide which cases are to be investigated by ID/OIOS and which cases are to be dealt with by the CDT. The results of ID/OIOS's investigation are not shared with the local CDT, but are reported to the Under-Secretary-General of OIOS who then decides how to deal with the case based on the recommendations from ID/OIOS.

How can the role of ID/OIOS and related investigative processes be rationalized?

The first and most effective way to combat SEA cases is to conduct training and awareness programs aimed at prevention. In the missions, this is done primarily by the CDT. Next, reliable and thorough investigations may also play a role in prevention, provided that the investigation itself reveals facts and information to potential SEA perpetrators regarding the risk and consequences of exposure. Thus, the creation of an efficient, objective, effective and timely system for the conduction of investigations is not only important as a means of seeking out justice, but are also critical components in future deterrence and prevention of SEA cases.

In this section changes are recommended in order to rationalize the role of ID/OIOS in SEA cases. In contrast to what many would expect, creating a task force to deal with SEA cases is not recommended. This is because a task force, by definition, is a temporary structure created in order to deal with a limited instance of cases and for a specified period of time. Because a SEA task force would therefore have a specific beginning and ending date, it is not an adequate way to deal with SEA cases as there are no indications or guarantees that such cases are likely to decrease with time. In fact, there is no clear or distinguishable trend or pattern to SEA cases. As such, these recommendations are based on the assumption that ID/OIOS will continue to investigate at least some of the future SEA cases within the framework of investigative units in the missions as it does presently.

If ID/OIOS is to continue to handle SEA cases, there must be a clear delineation limiting SEA cases to be investigated by ID/OIOS to the following types of SEA:

- (A) rape,
- (B) sex with minors (under 18 year of age) and
- (C) child pornography.

This recommendation requires adoption by the General Assembly, as all SEA cases are categorized as Category 1 cases (A/58/708).

With regard to SEA cases in the mission which concern allegations of rape and sex with minors, limiting the ID/OIOS's caseload to these specific types of cases may allow investigations to proceed in a proper and timely fashion, ultimately leading to an increase in the number of cases that have been effectively resolved. This may further allow professional investigators to direct their resources towards the most serious of SEA violations, as well as allowing for cases to be properly followed-up, in efforts to provide for the best interests of the victims, the Organization and the subject.

It is recommended that child pornography also be included in the SEA cases for the ID/OIOS to investigate due to the seriousness of the offense, the impact upon the victims of this type of offense and the specific investigative needs in these instances of computer forensic investigative tools and knowledge. The categorization of a child pornography case as a SEA case must be decided at the proper level within the Organization.

ID/OIOS should also establish a separate team of SEA trained investigators to be responsible for all SEA cases. (It is recommended elsewhere in the report that there be a change throughout the entire ID/OIOS with separate teams to be established for other types of cases as well, not just limited to SEA cases.) For SEA purposes, the SEA teams should be managed by a designated team-leader who will report directly to the Director or Deputy Director(s) of ID/OIOS. The SEA teams would be responsible for the training of staff, implementing quality assurance mechanisms and ensuring communication with the relevant stakeholders within the Organization as a means to promote the quality of investigations, as well as the prevention of SEA cases. It should be noted, however, that there is a lack of synergy between SEA investigations and the other work of OIOS. Thus, such measures may need to be tailored uniquely and separately for SEA cases.

The CRI (or team-leader for SEA cases as proposed in the new organizational chart for ID/OIOS) should be the primary individual responsible for making the decision to start the investigation of SEA allegations. In many SEA cases, time is of the essence—immediate access to the crime scene, the victim, and relevant witnesses is critical to the investigation itself. Presently, the CRI is the supervisory individual who is best situated in terms of knowledge, proximity and overview, to make the decision to start an investigation.

Investigations should be conducted by the SEA teams. These teams may either choose to assist the local investigators on the ground or may decide to take full responsibility for the investigation, based on given criteria, e.g., complexity (where the case is one among many within the same mission or national contingent), resources required, pressure put upon ID/OIOS to prioritize. This list is not exhaustive as there may be various other objective criteria involved in the decision to investigate.

ID/OIOS should also establish local servers for each investigation unit in the missions for the filing of SEA cases, as well as other cases to be investigated. Rather than facilitating investigations, in actuality, the Citrix server impedes and hinders the work of the investigators in the missions. Local servers should be established immediately in the missions. This can be done provided that in the missions, the server is placed in a designated server-room. The server may be secured in a separate cabinet to ensure further confidentiality and security.

Finally, weekly meetings should be held between the CDT and the CRI in order to allow for the exchange of information of new cases and other SEA-related issues to be dealt with jointly, while still maintaining adherence to the confidentiality regulations of ID/OIOS staff. Similarly, working groups should be formed to improve the reliability of SEA case statistics, thereby allowing ID/OIOS, CDT and DPKO the ability to report accurate information on SEA cases going forward.

Recommendations for Objective No. 6

69. Develop separate investigations manual and case procedure for SEA cases due to the specific and unique nature of the cases, including a reliable case categorization and prioritization system.

70. Conduct training and awareness programs aimed at prevention in the missions.

71. Delineate SEA cases to be investigated by the ID/OIOS as limited to:

- (A) rape
- (B) sex with minors (under 18 year of age)
- (C) child pornography

72. Establish a separate team within OIOS/ID responsible for SEA cases. Recruit investigators with the appropriate skills, experience and background to deal with SEA cases.

73. Authorize the CRI to make decisions to initiate investigations of SEA cases.

74. Establish local servers for every investigation unit in the missions for the filing of SEA cases as well as other cases to be investigated.

75. Ensure there are weekly meetings between the CDT and the CRI in order to allow for the exchange of information of new cases and other SEA-related issues to be dealt with jointly, while still maintaining adherence to the confidentiality regulations of the ID/OIOS staff.

76. Establish a working group to improve the reliability of SEA case statistics, thereby allowing the ID/OIOS, CDT and the DPKO the ability to report accurate information on SEA cases generally.

Objective No. 7: Reintegration of the procurement task force case load

Objective No. 7 is described in the Terms of Reference as follows:

Submit proposal as to the steps and timeframe to reintegrate the Procurement Task force case load into ID/OIOS at the end of 2007.

Introduction

In October of 2005, a small group of ID/OIOS investigators was assigned to investigate cases of procurement. In January of 2006, under a separate Terms of Reference, PTF was formally established. Since its inception in January of 2006, there have been approximately 20 to 50 investigators on PTF.

PTF has reviewed a total of 114 cases. The majority of the cases investigated by PTF were cases that had been inherited from ID/OIOS. Most of the cases had been cases that were previously assessed by ID/OIOS, but whether and to what extent a thorough investigation ensued depends on the particular case. As an example, one of the cases closed by PTF involved serious criminal offenses of a senior procurement officer of the Organization. The investigations resulted in a prosecution by the United States District Court for the Southern District of New York. On 7 June 2007, the perpetrator was convicted for charges of wire fraud, mail fraud and bribery in exchange for awarding Organization service contracts to vendors in exchange for cash and other favors. Additionally, PTF directly receives and investigates new allegations of wrongdoing in procurement services.

Of the 114 cases investigated by PTF, approximately 15 have been finalized in the form of final case reports.

Several of the cases investigated by PTF have resulted in findings of serious criminal activity, including bid-rigging and corruption schemes in which the Organization is a victim. An estimate of financial losses suffered by the Organization has not been revealed by PTF thus far, but one must also consider the immeasurable damage done to the reputation of the Organization.

The number of procurement cases already investigated and the new procurement cases received by PTF in the past few months alone, make clear that procurement fraud and corruption are not isolatable offenses, but rather offenses which are systemic in nature. Thus, the ultimate solution does not reside in a temporary task force mechanism, but a restructuring of the ID/OIOS system in order to deal with these types of cases on a continuing and ongoing basis.

The creation of PTF

Prior to the creation of PTF, allegations of wrongdoing in procurement services were dealt with by ID/OIOS. However, over time it became clear that cases involving fraud and corruption in procurement services were not being properly investigated, if investigated at all. Cases were often assigned to the Former Director who unilaterally decided to close the case without conducting any further investigation.

Several of the cases that were handed over to PTF involved complaints and allegations that had been made in years prior to its existence. The complaints and allegations had been entered into the CMS. Yet in many instances, there was no further record or indication of investigative activity. Whether the failure to conduct an investigation was the result of a lack of resources or skilled and qualified investigators, case prioritization, or a direct order from above to not investigate further, could not be discerned based on the information provided in the CMS. The inability to understand how and why these cases were not investigated is symptomatic of the deficiencies of the way in which ID/OIOS functioned and still functions to a large extent. It has also contributed to a lack of confidence and trust in the ability to investigate, as well as the overall integrity, credibility and reputation of ID/OIOS amongst Organization staff members.

Notwithstanding the failure of ID/OIOS to properly investigate allegations when they were received, PTF still managed to revive cases from prior years resulting in referrals to national judicial authorities for further criminal investigation.

Due to this basic lack of trust in ID/OIOS and requests from several Organization staff members to investigate the investigators themselves, ID/OIOS's reputation has suffered greatly. It is recommended to review a sample of PTF cases in order to obtain a better understanding of those cases.

Specialized skills and resources needed to investigate procurement cases

Procurement cases by nature require specialized skills and expertise as investigations tend to be focused on economic and financial crime, as well as a detailed understanding of the procurement process itself. Successful investigations of procurement cases depend on the use of experts in this particular field.

In order to continue the success achieved in investigating fraud and corruption in the procurement services area, ID/OIOS should build permanent procurement teams within ID/OIOS. It is recommended that ID/OIOS establish two procurement teams, one to be located at Headquarters in New York and the other in the ID/OIOS office in Europe. The procurement team in Europe should have responsibility for all procurement cases arising in Europe, as well as peacekeeping operations. Both procurement teams should have no more than 9 investigators and be led by team-leaders responsible for the investigation and the submission of the final case report to a newly established Final Report Committee within ID/OIOS.

There is no doubt that the investigators within PTF have an advantage in investigating procurement cases due to the working synergies and relationships that have been

cultivated since its establishment. However, the nature of PTF recruitment does not ensure that the most qualified investigators are hired due to the short term contracts and the lack of certainty in terms of future work within the Organization. Therefore, it is recommended that the positions on the proposed procurement teams in both New York and Europe be open to competition in order to attract the most qualified applicants.

The implementation plan for the transfer of cases from PTF to ID/OIOS should take into consideration that presently ID/OIOS has no CMS in place that fulfills the requirements to ensure integrity and reliability. For example, there are still no means for determining an audit trail within the system to prevent file corruption, deletion and manipulation.

Therefore, until ID/OIOS develops a new CMS with the required functionalities that would ensure a certain degree of integrity and reliability, PTF CMS should be kept separate from the ID/OIOS system. Only once ID/OIOS has the new system in place, should PTF case files then be transferred and integrated into the new system.

Recommendations for Objective No. 7

77. At least two procurement teams should be established within ID/OIOS (to be located in New York and Europe office) to handle all procurement cases. Each team should have no more than 9 investigators staffed.

78. Recruit investigators for the procurement teams with the requisite skills, experience and background to deal with procurement matters.

79. Until ID/OIOS has a new and reliable CMS in place, PTF cases should be kept separate in PTF CMS.

80. As soon as the reintegration of PTF into ID/OIOS has occurred, ID/OIOS should implement EUREKA, i.e., the procurement fraud tool developed at Headquarters in New York, as a means to detect possible instances of wrongdoing in procurement services.

Objective No. 8: SOPs

Objective No. 8 is described in the Terms of References as follows:

Review the outcomes of the seven working groups charged with drafting SOPs for different investigative subjects and procedures and propose recommendations for enhancing the draft SOPs. Draw the matrix of all SOPs necessary for effective work of ID/OIOS. Provide recommendations on the process to be used for the regular updating of SOPs.

Necessity of standard operating procedures (SOP)

SOPs constitute the operational working instructions or procedural guidelines and the rules of conduct for investigators. The SOPs may also serve to inform other interested parties of the possibilities, limitations and processes of an administrative investigation conducted within the Organization.

The Uniform Guidelines for Investigations developed by the Conference of International Investigators from April 2003 (Annex16) makes the recommendation “to establish, publish and update clear rules of conduct for staff, investigators and relevant parties.”

In order to ensure the adherence to uniformed investigative procedures, written SOPs must be set forth for each major step of the investigative process.

Fairness and due process considerations are of little value without explicitly written rules and regulations for proceedings, as consistency and reliability are not guaranteed. Not only does this negatively affect the rights that should be accorded to individuals during an investigation, but it further makes it difficult, if not impossible, for complainants, witnesses, subjects of an investigation and other related parties to understand and act in accordance to any such rules or regulations.

Examples of investigation-related SOPs are provided in the OLAF Manual (Annex 4), the World Food Program Investigation Handbook (Annex 17) and the handbook for the Special Investigations Unit as a part of UNON Security Service/Special Investigation Unit (Kenya) (Annex 18).

Development of standard operating procedures in ID/OIOS

From the inception of ID/OIOS in 1994 to the arrival of the new Acting Director in 2006, there was no existing set of SOPs that could be located or referred to for purposes of this review. In fact, the only evidence of standardized procedural guidelines that existed in ID/OIOS prior to the arrival of the Acting Director was the ID/OIOS Investigations Manual. (See Objective No. 10). Although several different templates and other documents in different electronic formats were located in the Citrix system which dealt with various ID/OIOS operating procedures, there was no systematic way of accessing the appropriate guidelines when needed nor was there any indication that such guidelines constituted standard operating procedures formally adhered to by all ID/OIOS investigators. In 2006, recognizing the long-standing need for SOPs, it was then decided to charge a group of investigators with the task of developing the needed SOPs.

One reason for the lack of written procedures is the rate of rapid growth and expansion that ID/OIOS experienced over the years, primarily beginning in 2002. However, this is not a sufficient excuse for the failure to formalize fundamental guidelines and operating procedures in ID/OIOS. The responsibility for writing up SOPs ultimately lay with the senior supervisors of ID/OIOS who failed to do so since its establishment in 1994.

The lack of standard procedures has had obvious negative impacts upon the investigation work conducted within the Organization. Constant uncertainty and inconsistency as to how work plans were to be formulated or investigations were to be conducted, posed

challenges for both experienced investigators as well as newcomers to ID/OIOS. It may have also contributed to the overall environment of conflict and tension, e.g., when trying to agree upon approaches or solutions to problems, especially considering the added pressure of time constraints and the need to make decisions quickly and expediently. In contrast, the delegation of authority to appropriate individuals and the creation of SOPs that are clear, instructive and informative would allow for a more smoothly operating and effective investigative unit.

Based upon this review of ID/OIOS, it appears that the only way ID/OIOS was able to function as an investigative unit with any sort of uniformity in approach without requisite SOPs in place was ironically due to the management style of the Former Director, i.e., an autocratic, micromanagement style, where one person maintained control over each and every step of the investigation. By making investigators ask for guidance from the Former Director in practically all decision-making matters, the Former Director effectively centralized all or most of the power and control over ID/OIOS and its operations. As a result, one can imagine the frustrating delays in investigations often experienced by ID/OIOS investigators when the Former Director was away from the office, as all decisions came to a halt.

Draft SOPs

The SOPs for ID/OIOS have been in development during the period of this review. As of 11 June 2007, the following SOPs had been drafted but not yet finalized by ID/OIOS staff. Based upon a preliminary review, the drafts thus far seem to be written by highly qualified investigators who possess a thorough understanding of the investigative process. More importantly, the draft SOPs appear to begin to address many of the deficiencies discussed above. Major comments to the draft SOPs are to be found in the table that follows.

No	Description	Comments
1	Evidence Handling.	There should be a standardized system for ensuring that document and other objects received or seized are identified (date, time, place where evidence was retrieved and by whom). This standardized system should be implemented in the form of a template to be attached to the SOP with appropriate areas in which to input the required information. If, for example, investigators seize evidence in the office of a staff member, it is necessary for purposes of the investigative process to be able to show with reliability and accuracy substantiation as to where and when the evidence was seized

and by whom. Evidence handling of electronic evidence must be described either here or in the SOP for IT forensics. The handling of physical evidence such as DNA, drug, chemicals, etc., requires a more detailed description in the SOP as to where this type of evidence is to be delivered for further analysis and testing, with the names and locations of where to deliver the evidence for testing (DNA, drug, chemical and others) with names and addresses of the laboratories conducting the tests.

2 Information Reception Process.

Findings from the review indicate that the front office in ID/OIOS for receiving information should be easily accessible to complainants and potential whistleblowers, who may fear exposure and therefore require additional safeguards or protections. In improving the information reception processes, the existence and location of the various ID/OIOS information reception areas must be well-publicized, as it will often serve as the first point of contact an individual has with ID/OIOS. Additionally, ID/OIOS should make known the safeguards and protections in place to be afforded to individuals coming forward with allegations. A lack of trust in ID/OIOS's capacity to protect complainants and witnesses may be an important inhibitor to ID/OIOS's receipt of increased and future complaints. Finally, the information reception process should also ensure that no information received by them may be deleted from the system prior to being forwarded and reviewed by the Intake Committee. This is to ensure that investigative information

3 Case Initiation Process.

received may not be tampered with or deleted at this stage.

The report of the review recommends that ID/OIOS establish an Intake Committee to make decisions of case prioritization. (See Part C, Objective No. 9). The case initiation process should also ensure the ability to secure information and evidence immediately if necessary to the investigation of the case. Findings from the review indicate that the risk assessment profile (RAP) system as it exists today is not working properly and that RAP scores may easily be manipulated. For example, the RAP system should ideally make it easier to identify cases that can be handled in groups, as a means to optimize resources. It should also be useful as a means to provide direction in terms of case priority and investigation. Yet due to the misreporting of cases and the failure to set forth what constitutes a single case as opposed to a grouping of similar cases that can be effectively dealt with as one case (for example a matter involving a SEA victim who has had intimate relations with six peacekeeping soldiers), there has been a pattern of manipulating numbers in the past. Thus, there is a need to make the RAP system a more transparent and accurate system of reporting cases as well.

4 Preliminary Investigation Processes.

There is a major difference between the existing understanding of teams of two investigators in ID/OIOS presently and the team model recommended in this review. The major change is the recommendation for the separation of ID/OIOS investigators into teams with regular team members working on specific

areas of expertise (for example procurement and SEA). The purpose of the team concept recommended is to ensure that more investigative power is devoted to case investigation and less power devoted to the unnecessary and time-consuming back-and-forth processes currently involved in report drafting.

Obviously the procedures involved would differ depending on the circumstances of the individual case - filed for information, closed, referred or opened for a full-scale investigation.

It is difficult to understand the sections of “Information Security” and “Confidentiality” in this draft SOP because these issues do not apply to every phase of the investigation. More importantly, these issues are fundamental to investigations generally and should already be fully understood and known to every professional investigator employed in ID/OIOS. Therefore these issues should be included in the Core principles for conducting investigation as suggested in the table below.

- | | | |
|---|--|--|
| 5 | Investigation Planning Process. | This document seems to be more or less the same as the Preliminary Investigation Processes. |
| 6 | Initial Case Assessment. | This document seems to be more or less the same as the Preliminary Investigation Processes. |
| 7 | Case Assessment Process. | This document seems to be more or less the same as the Preliminary Investigation Processes. |
| 8 | Interaction with Military Contingents. | The rules, regulations and procedures with regard to investigations and military peacekeepers and civilian staff members vary significantly. |

Therefore, it seems reasonable to have separate SOPs for both.

Another way of doing this is to incorporate the different proceedings into the other SOPs addressing the different investigative steps and types of cases (especially SEA cases and procurement cases). This will ensure uniformed investigative steps and provide guidance in terms of the differences that may be involved when dealing with the military vs. civilians of the Organization.

- | | | |
|----|------------------------------------|--|
| 9 | IT Forensic. | See Part C, Objective No. 5. |
| 10 | Glossary of Terms. | No comment. |
| 11 | DPKO/OIOS Contact. | See comments under no. 8 above. |
| 12 | Media Contact. | The issue of contacts with the media are issues to be addressed by the Secretary-General, the Under-Secretary-General of OIOS and the Director of ID/OIOS. Therefore it is difficult to understand why ID/OIOS needs a separate SOP for Media Contacts. (See also Part C Objective No. 4). Confidentiality provisions are fundamental to all investigations and should therefore be incorporated as one of the Core Principles for conducting investigations as mentioned below. |
| 13 | Contact with National Authorities. | The procedures for making contact with National Authorities are referred to as “Liaison with Local Authorities (National Authorities)” below. |
| 14 | Handling of Informants. | It is important that investigators and supervisors with experience from investigating cases in the missions review this SOP.
Handling of Informants is recommended to be one of the SOPs (see below) to ensure transparency and accountability of information received from whistleblowers and |

- persons providing ID/OIOS information in confidence. (See also Part C, Objective No. 2 for comments regarding the handling of whistleblowers).
- 15 Management of Major Investigations. One of the recommendations in this report is to delegate certain responsibilities to ID/OIOS case teams. It does not seem appropriate to have a different set of investigation procedures based upon case size. The descriptions on how to conduct investigations in this SOP should therefore be incorporated in other SOPs describing general planning, investigation, drafting of the final report and evaluation/assessment of the investigation.

Matrix of recommendations for all SOPs necessary for the effective functioning of ID/OIOS

In determining which SOPs are basic and necessary for the effective functioning of any investigative unit, it is important to understand the core principles involved in conducting an investigation, as set forth by the World Food Programme Investigative Handbook:

- **Thoroughness** – diligent, complete and focused manner
- **Use of appropriate techniques** – proportional to its objectives
- **Independence and impartiality** – a fair and equitable manner
- **Objectivity** – unbiased and independent manner to determine validity of allegation
- **Ethics** – respectful conduct towards all parties
- **Timeliness** – quick investigations without compromising quality
- **Accuracy** – in the presentation of facts, conclusions and recommendations to be supported by adequate documentation
- **Legal considerations** – in accordance with applicable rules and regulations
- **Due process** – fairness to the subject in disclosure of complaints made
- **Confidentiality** – efforts made to keep identity of staff members and others involved confidential

(Annex 17)

Based upon these core principles, the following SOPs are recommended in order to increase the quality of the investigations and the overall effectiveness of ID/OIOS:

Description

Core principles for conducting investigations.

The legal framework for ID/OIOS operations.

Structure, authority and reporting lines in ID/OIOS.

Intake procedures.

Risk assessment and prioritization of cases.

Procedures to follow prior to the initiation of an investigation.

Planning an investigation.

Tactical investigative steps.

Search and seizure of evidence: procedures for safeguarding and ensuring proper

Comments

Ethics, integrity, confidentiality, fairness and due process, accountability for investigators and other basic principles of investigations.

See Implementation Plan (Annex 17).

See Objective No. 9 in this report.

See Objective No. 2 in this report.

See Objective No. 2 in this report.

Describes the initiation phase of a case.

Provides a detailed description on how to plan the investigation and to create an effective work plan that can be followed throughout the course of the investigation. Explains methods of hypothesizing, while still maintaining objectivity over the case. Prepares investigators for the unexpected and considers ways to meet these challenges. Describes risks and identifies the appropriate individuals to inform for authorization and/or access to information. (Concentrating on the same kind of cases over a short period of time can be effective and less time consuming).

Describes the need for understanding a specific business, procedure or area (for example procurement services and operations) prior to beginning an investigation. Provides guidelines as to timing of investigative steps, i.e., when to proceed with various investigative steps – approaching witnesses, the use of analytical tools, searches for background information in existing and previous cases, etc.

Establishes guidelines for ID/OIOS that enable it to identify the exact

documentation of evidence seized.

time and place the evidence was captured, as well as by whom via CMS.

Identification procedures.

In some cases (typical SEA cases) the victim does not know the actual name of the perpetrator but may be able to recognize the subject based on a photo or line-up procedure. If the procedure is not conducted properly, it may render the victim's identification invalid. Fingerprint identification, handwriting samples, DNA samples, as well as other methods of identification should also be presented and discussed.

Planning and conducting interviews with complainants, victims and witnesses

Certain interviews with complainants and victims require heightened sensitivity and awareness. In these situations, special considerations should be made as to who is the most appropriate person to conduct the interview or what special accommodations might be made. (For example, an interview with a victim of rape or a child in a SEA case might require a female investigator or the presence of a person whom the victim trusts). Other important issues that should be addressed are the importance of limiting the amount information provided to the witness so as not to influence his/her statements and ensuring that witnesses are not further influencing other witnesses.

Planning and conducting interviews with subjects.

Due to tactical reasons, interviews with subjects might be conducted at an early stage in the investigation as well as in the end of the investigation. In any case, interviews with the subject should be conducted in the end to present information and evidence previously gathered so the subject is given the opportunity to comment.

Obtaining information from outside the Organization.	Procedures and limitations for obtaining information outside the Organization, e.g., from vendors, governments, financial institutions.
Liaison with Local Authorities (National Authorities).	See draft SOP entitled “National Authorities.”
Analysis of the findings in an investigation and ensuring that evidence can be presented in proper form and manner to the ultimate decision-maker.	
Report writing.	
The case management system and archiving of case files.	See Part C, Objective No. 3 in this report.
Investigating electronic evidence – computer forensic tools and techniques.	See Part C, Objective No. 5 in this report.
Other investigative tools.	Tape recorders, digital photo cameras, Procurement Fraud tool developed within the Organization and other data mining tools to assist investigation as well as different tools used to investigate the scene of the incident or crime.
Handling of Informants.	See draft SOP with the same name.
Procurement cases.	Describe the procurement procedures in place in the Organization, as well as some of the major cases and/or experiences of PTF.
SEA cases.	Describe the special challenges that SEA cases present with examples (Part C, Objective No. 6 in this report.)

Finalizing SOPs

The drafting of SOPs is one of the activities enumerated in Part C, Objective No. 12 of the Implementation Plan. (See also Annex 19).

Objective No. 9: Organizational structure and reporting lines

Objective No. 9 is described in the Terms of Reference as follows:

Propose the optimal organizational structure and reporting lines for ID/OIOS.

Introduction

There are several possible structures for an effective ID/OIOS. The *actual* optimal structure of the investigative unit in the Organization is described in Part D which essentially requires the creation of a new and separate unit to deal with investigations to be called the Investigative and Integrity Unit (IIU). However, because the decision to establish a new structure within the Organization rests ultimately with the General Assembly what follows is a restructuring plan that is possible within the existing ID/OIOS. In fact, the optimal organization structure for ID/OIOS is built upon the same basic organizational principles as the proposed IIU with the main difference between the two being the mandate and the authority of the units.

The most significant change to ID/OIOS as it exists today involves the removal of ID/OIOS investigators from the missions to one of the three ID/OIOS offices located in New York, Europe and Nairobi. The purpose for the removal of ID/OIOS investigators from the missions is to increase efficiency in allowing the most professional and skilled investigators to work in peacekeeping operations. This will be discussed in further detail below.

In sum, this report presents three different possible structures for the Organization's investigative unit (Annexes 20-22). However, working within reasonable limitations, the organization structure No. 1 (Annex 20) is the most realistic, in terms of strategic implementation and realization. The organizational structure proposed for the IIU (Annex 22) is provided more as a means of inspiration, i.e., what this reviewer believes to be the ideal optimal structure, rather than an actual, realizable plan.

Principles of an optimal organizational structure

The present organizational structure of ID/OIOS is one of the main contributing factors to the problems that ID/OIOS faces today. Within the existing limitations, the optimal organizational structure for ID/OIOS begins with a restructuring of the working relationships at the highest levels of management and supervisors. Supervisors must be individuals who are both qualified and skilled in dealing with not only investigators but other high level managers. Improving the working relationships of those at the uppermost levels of management is the first step in improving the tone and the overall performance of ID/OIOS as an investigative unit.

The struggle for decision-making power and authority that is ongoing in ID/OIOS is a result of the lack of a formal structures and processes in place to guide investigators. This lack of clarity and transparency added to the centralized authority that currently exists in the position of the Acting Director and the Deputy Director in the ID/OIOS Vienna office

poses a major challenge to creating an effective investigative unit capable of performing up to the standards expected by stakeholders and clients. Lack of delegation and structure of authority also contribute to the existing organizational problems in ID/OIOS today.

As a means of achieving the goals of speed, efficiency and high quality investigations, the major structural changes proposed in this report are based upon the following organizational principles:

- Increase responsibility and accountability for supervisors as well as every staff member in ID/OIOS.
- Ensure uniform decisions and accurate assessments in the intake process as well as the final report writing stage.
- Ensure total quality management and internal control systems are in place.
- Ensure authority is given to the supervisor(s) directly above the investigator(s) working on the case.
- To establish accountability, remove individual investigators from the bureaucratic reporting lines and formulate groups (teams) of investigators staffed on common investigations.
- Shorten the chain of command as well as the reporting lines in order to speed up the amount of time between the receipt of allegations to the submission of the final case report to Program Managers.
- Ensure investigators are working together in teams to effect optimal case planning, organizing and steering in each case investigated by ID/OIOS.

Placing supervisors at Headquarters in New York

The work of ID/OIOS requires constant interaction between and amongst the Secretary-General, General Assembly, the Fifth Committee, Office of Legal Affairs (OLA), OHRM, DPKO as well as several other entities. As a result, having those in top management positions located close to the clients and stakeholders involved would facilitate and enhance these important interactions. Presently, ID/OIOS supervisors located in New York are unable to manage and meet the expectations of the most important clients and stakeholders. Concentrating the top managers of ID/OIOS at the Headquarters office would greatly improve the ability to meet the demands and expectations in an efficient and effective manner.

Second, concentrating top level managers and supervisors in Headquarters in New York would greatly enhance the decision-making process. It would hopefully reduce the level of conflict that currently pervades top management, as it would require top managers to actively work together in solving difficult management issues and increasing the potential to hand down uniformed directives that all staff members could act in accordance with, consolidating the voice of top management into one single voice. The perception of the staff members of solidarity and agreement from top management is a necessary component for future successful leadership because it will reduce the risk of future conflicts and ensure that the Under-Secretary-General of OIOS is able to develop a more

hands-on approach in directing ID/OIOS towards the achievement of clear and strategic goals.

According to the proposed organizational structure, both of the Deputy Directors would take on active and central roles, with respect to decisions made on case intake and final report writing as they would be heading both the Intake Committee and the Final Report Committee.

Team-leaders as mid-level supervisors

The mid-level supervisors in the new proposed organizational structure would serve as investigation team-leaders reporting directly to the two Deputy Directors. The purpose of this structure is to ensure short communication and reporting lines, while also placing the major responsibility for investigations with the team-leaders. These responsibilities would include supervising and planning, organizing, steering and leading the team investigators and administrative staff.

Investigators would be responsible for conducting the investigation according to the timeframe planned for the case and the guidelines set forth in the SOPs. The responsibility for the overall performance of each team would lie with the designated Chief Investigator who would report directly to the team-leader. The Chief Investigator would be responsible for the submission of the final report to the team-leader who, in turn, would decide if the final draft investigation report, meeting the required standards, is to be submitted to the Final Report Committee (See below).

Intake Committee

No investigative unit can feasibly investigate each and every allegation or complaint received nor would it desire to do so. Thus, deciding which cases warrant further investigation becomes of critical importance. Prioritization of cases must be done in a manner that employs reliable and consistent results based upon a specific set of criteria, when deciding upon how to optimize its resources and its capacity to weed out instances of fraud, corruption, waste and abuse.

Because the case intake decision is one of primary importance in that it affects ID/OIOS as a whole, i.e., the daily workings of investigators and staff, it is recommended that a special committee called the Intake Committee be created to make informed decisions on case intake on a monthly basis. The Intake Committee would be comprised of five individuals – the Director, the two Deputy Directors (who should have the major responsibility for intake decisions), and two advisors/experts on risk assessment analyses. (See Annex 20). Because the responsibility of deciding which cases to investigate may also have implications as to the investigation strategy for ongoing cases, the Intake Committee would also oversee the progression of the ongoing case investigations with the authority to change priorities and directions as they deem appropriate. Additionally, because the team-leader for each case is charged with the duties of time and resource

management for a given case, his/her advice and opinion should be obtained before any final decision is made by the Intake Committee.

Final Report Committee

The establishment of a second specialized committee, the Final Report Committee, would serve to consolidate the finalization process of case investigation reports. The Final Report Committee would also consist of five members - the two Deputy Directors and three legal editors, all placed in Headquarters to ensure efficiency, productivity and a centralized decision-making process. The Final Report Committee would receive a preliminary draft of the final investigation case report from the team-leader of each case from all ID/OIOS offices, i.e., New York, Europe and Nairobi ID/OIOS offices. The existence of the Final Report Committee would decrease the amount of time that is inefficiently spent on the constant back-and-forth style of drafting investigation reports that investigators currently experience. Ideally, the Final Report Committee would have the sole responsibility of finalizing the report initially submitted by the team-leader and would therefore be able to clarify questions and finalize the report in a more expedient manner while allowing investigators more time to focus on other investigative matters.

Ensure case-specific team expertise of the investigators

Each investigation team should be staffed with investigators who are experts in the related field. For example, an investigator who has expertise in dealing with issues of sexual exploitation and abuse would not necessarily possess the skills required in a procurement case investigation. Similarly, the insight and knowledge of business procedures as well as informal ways of concealing corruption, fraud, embezzlement and other types of financial crimes would not be advantageously transferable to narcotics-related investigations. The quality and success of PTF investigations underscores the need to separate professional investigators in accordance with their abilities. That is, experts in the field would provide specialized, cutting-edge knowledge, as well as knowledge of changes to the applicable rules and regulations of a given field. This would, in effect, increase the tactical and technical processes of case investigation. However, at present, ID/OIOS is not structured in a way that optimally utilizes and takes advantage of the strengths and abilities of its individual investigators. This type of professional categorization by expertise in case investigations is reflected in the structural organization of law enforcement agencies around the world.

Geographic locations of ID/OIOS offices and corresponding responsibilities

ID/OIOS should have three main office locations in the following locations: an office in Headquarters - New York, a European office and a Nairobi office.

Headquarters - New York

As explained earlier in this section, top management level of ID/OIOS should be located in Headquarters New York (Director and both Deputy Directors). The communication with the mid-supervisory level personnel (team-leaders) should be conducted via

videoconference or phone on a regularly-scheduled weekly basis, or more frequently if needed.

Headquarters in New York would also house the Administration Unit for ID/OIOS, i.e., human resources, archives and other major administrative responsibilities. The IT Unit, to be comprised of approximately three individuals and responsible for IT support and supervising the electronic CMS and forensic tools, would also be located at Headquarters. Finally, a Quality Control Unit responsible for assessment of total quality management and internal controls, as well as the Training Unit responsible for all ID/OIOS investigator trainings, would be housed at Headquarters.

The ID/OIOS investigators located in New York should be placed in at least two different teams consisting of no more than 8-9 persons per team, each with their own administrative support staff. The two different teams should be designated Team A and Team B and each would have an assigned team-leader. Team A would handle all procurement cases originating or involving contract dealings executed at Headquarters, with a staff of investigative experts in matters of financial crime, corruption, bid-rigging, fraud, etc. Team B would investigate all other cases involving or arising from the dealings of Headquarters.

All ID/OIOS Headquarters matters should be overseen and managed by the Director.

The Europe office

The ID/OIOS office in Europe should conduct investigation with regard to matters involving or arising from the dealing of the Organization's offices in Vienna, Geneva and other offices in Europe. The ID/OIOS office should be located in the regional office which has had the highest number of total cases over the past three years. This review did not conduct an evaluation of the most appropriate place to locate the European office.

The European office would also include a procurement team, Team C, to investigate the activities of procurement services both in Europe and the missions. The procurement team in the European office would be able to request assistance from the procurement team in New York if doing so would allow for a more efficient allocation of resources.

The European ID/OIOS office would also be home to Team D, which similar to Team B at Headquarters, would investigate all other cases involving or arising from the general dealings of the European offices. As with Team A and B above, both Team C and Team D would have their own team-leader assigned, as well as administrative support staff.

The European ID/OIOS office would be managed by one of the team-leaders who, in effect, would serve as deputy commander of the office.

The Nairobi office

The ID/OIOS office in Nairobi would have the responsibility for investigating all cases in Africa which includes responsibility for matters involving the missions. The majority of the investigative cases to be handled in the Nairobi office would be SEA cases, since most SEA cases involve activities in the missions. To effectively handle most, if not all,

of the SEA cases, the Nairobi office should have in place two separate SEA teams, i.e., Team E and Team F, with no more than 10 individuals per team. Both teams would oversee and direct the planning and organization of SEA case investigative work. This includes arranging team travel to missions to conduct investigative activities such as interviewing, searching for information and seizing relevant evidence. Additionally, a smaller team of about 5 individuals, i.e., Team G, should be established to deal with all other types of allegations involving or arising from activities in the region and in all missions. This plan would require an increase in the number of investigators in the region. Because the majority of peacekeeping operations are conducted in Africa, it would make sense to concentrate the skills and expertise for all missions (even those not located in Africa) in the Nairobi office which has the most experience in dealing with peacekeeping matters.

It is likely that the Organization's peacekeeping operations will not be supportive of placing investigators of missions in the Nairobi office. However, there are many benefits to doing so. First, it would allow investigators to avoid the conflicts that arise when ID/OIOS investigators are placed together in intimate living situations with Organization staff members who may be the subject(s) of the investigation. By moving the investigators out of the missions, it would be possible to establish a more professional distance between investigator/subject, thereby lessening the instances, or suspicions, of improper influence or tainted investigations. Investigative teams would be sent to the missions to investigate cases as they arise. The flexibility of the movement of investigators in this region on a limited, as-needed basis would likely increase the sense of investigative teamwork and, ultimately, the quality of case investigation. A final advantage to the proposed structure would be that it has the potential to attract and recruit increasing numbers of professionally skilled investigators to the region. It would increase the potential pool of qualified applicants since, unlike the ID/OIOS investigators currently in the missions, ID/OIOS investigators would be able to relocate with their families at the duty stations in Nairobi.

Admittedly, there are certain disadvantages to not having investigators on the ground in missions, but these can be addressed and resolved by establishing regular communications with IAD, CDT, Security, and the Police Division, military advisors and major stakeholders of ID/OIOS in the missions. Finally, it should be pointed out that although this organizational structure may result in higher traveling costs (sending investigators to the missions for specific case investigations), it should not result in higher overall costs because it would direct resources where they are most needed at any given time. Putting in place the mechanisms to provide temporary rapid response teams based on need would also increase the speed with which an investigation could be conducted.

The number of staff in ID/OIOS

This review does not offer recommendations for the optimal size of ID/OIOS. The report focused instead on the ineffective reporting lines and work procedures and the ways to effect improvement within the existing size of ID/OIOS today. Findings mentioned under

several objectives in this report suggest that ID/OIOS may be able to achieve much more with fewer employees. With this in mind, the number of personnel recommended in the revised organizational structures are mere suggestions or minimum requirements but may need to be adjusted according to other factors ID/OIOS will need to consider, e.g., change in case load.

Recommendations for Objective No. 9

81. Restructure the organizational structure and reporting lines which currently exist in ID/OIOS using the proposed organizational charts as a template. (See Annexes 20 and 21). Decide and define authority and reporting lines in order to ensure efficiency and accountability.

82. Define authority and accountability within the different levels of the Organization:

- Under-Secretary-General for OIOS
- Director for ID/OIOS
- Deputy Director
- Team-Leader
- Chief Investigator
- Legal Editor
- Investigator
- Investigations Assistant

83. Develop Terms of Reference for supervisors:

- Director
- Deputy Director
- Team-leader
- Chief Investigator
- Senior Administrative Officer
- IT Assistant

84. Develop job descriptions for:

- Legal Editor
- Investigator
- Investigations Assistant
- Office Assistant

85. Separate teams or units should be created within ID/OIOS to deal with the investigation of cases involving fraud and procurement services, SEA cases and all other cases. The teams should be staffed with investigators who have a requisite amount of skill and expertise in each particular area.

86. No team in ID/OIOS should have more than 8-10 investigators. Procurement teams should therefore be divided into two procurement teams (between the New York and Europe offices). There should also be two SEA teams within ID/OIOS consisting of no more than 10 investigators.

87. In order to maximize efficiency of operations, balance out the distribution of work and foster a spirit of cooperation and teamwork, investigators with light work loads should be made available to assist other investigators within ID/OIOS when necessary. Assistance to the investigators should only engage in administrative work duties and responsibilities.

88. Establish an appropriate balance between the number of investigators in ID/OIOS that have backgrounds as lawyers and investigative law enforcement professionals.

89. The authority to make decisions that determine whether to begin an investigation should depend on the type of allegation and the category within which the case falls. Some allegations are straightforward, while others are more difficult to decide, e.g., due to the complexity of the case, issues of sensitivity, etc. Thus, such decisions should be delegated to the appropriate decision-making authority in each situation, rather than having one body making all the decisions.

90. ID/OIOS should establish an Intake Committee comprised of the Director, the two Deputy Directors and two risk assessment experts to assess, prioritize and decide upon case intake matters, including which cases to investigate further and the distribution of cases amongst the various teams. The Intake Committee should also assess the case workload of ID/OIOS as a whole on a regular basis.

91. Restructure reporting lines to decrease the delays involved in the issuance of final investigation reports. Specifically, the reporting lines with regard to the receipt of allegations, acceptance of work plans, the preliminary investigation plan and the final investigation report, must be established so as to increase efficiency and response time, especially in instances where investigative resources are limited.

92. Decide upon the following issues:

- Who should make the determinations to open investigations?
- Who should decide upon the work plan?
- Who should decide upon the preliminary investigation plan?
- Who should decide upon final investigation report?

93. A recommended framework for reporting lines should be as follows:

1. Investigators will report directly to team-leaders
2. Team-leaders will report directly to the Deputy Directors
3. Deputy Directors report directly to the Director of OIOS

94. The Under-Secretary-General should not have any authority to instruct investigators or supervisors on peacekeeping operations or to interfere directly in any case investigated by ID/OIOS.

95. ID/OIOS should appoint one supervisor in charge of PKO.
96. There should be at least one individual within ID/OIOS to serve as a contact point for investigators to go to with regard to issues involving ethics and integrity of investigators and investigations. To avoid potential conflicts of interests, the person charged with this responsibility should not also have the position of a supervisor in ID/OIOS.
97. ID/OIOS should have at least 3 professional analysts in-house, supporting any team needing assistance conducting searches, creating charts and engaging in any other investigative analysis which requires expertise.
98. Establish at least two investigators in ID/OIOS as operative analyst managers.
99. Ensure that all ID/OIOS supervisors and investigators are accountable for their investigative work by implementing an electronic system of accountability that would track each decision and action taken during the investigation and by whom such decision or action was taken.
100. Make sure each investigation is evaluated by the investigators working on the case as well as the supervisor overseeing the same investigators.
101. Establish a standard measurement for accountability with respect to investigations that have been completed. Develop a format of describing decision-making and accountability procedures.
102. There should be an oversight mechanism in place to review the decisions made by the Director of ID/OIOS in the form of a Control Committee, to preside over the work performance of OIOS.
103. A final investigative report template should be created to serve as a guide to report writing.
104. The final investigation report should be read by each investigator on the case to review and ensure the accuracy of facts presented.
105. As a part of the final investigative report, if appropriate to the case, the investigator should provide an estimate of financial losses for the Organization. The final investigative report should contain a section which addresses the lessons learned from the investigations with regard to the future prevention of fraud, corruption, waste or abuse in the Organization.
106. Evidentiary documents should not be attached to the final investigative reports, as investigative reports from ID/OIOS should be self-explanatory on its face.

107. Presently, investigators must draft reports even where it is obvious that a case ought to be closed. ID/OIOS should concentrate and direct work efforts to cases that may lead to findings and actual results.

Objective No. 10: The investigations manual

Objective No. 10 in the Terms of Reference is described as follows:

Review the existing Investigations Manual for suggestions for improvement, in particular in view of the results of the review.

What need is there for an Investigations Manual?

The current ID/OIOS Investigations Manual (hereinafter “Manual”) (Annex 7) is noticeably lacking in terms of useful information compared to other investigative unit manuals and does not sufficiently address working instructions for the conduct of investigations. Taking into consideration the fact that many investigators in ID/OIOS are new not only to the types of challenges faced by ID/OIOS but to the Organization as well, the current Manual does not adequately serve as an introduction to either. Several investigators in ID/OIOS have backgrounds as lawyers or investigators working in law enforcement agencies. The experience and knowledge of law enforcement proceedings do not automatically translate well into the rules, regulations and proceedings of an internal, administrative investigative unit that exists within the Organization itself. For example, investigators may need guidance in obtaining evidence and information without the power and authority they may have formerly possessed in other types of law enforcement proceedings and contexts. New investigators need an organized and comprehensive manual that provides background information on internal investigations, as well as instructional rules, regulations and procedures that are specific to their future investigative work in ID/OIOS.

This is not to discount the valuable knowledge that is gained from training acquired on the job. But the current environment of ID/OIOS is not conducive to this kind of training and learning. As it is, because the rules and regulations are not clearly set forth in a comprehensive manual, the rules for conducting investigations often vary depending upon who is being asked. Where supervisors are not in agreement, such a process cannot work. This is substantiated by the interviews and observations conducted for this review. All ID/OIOS investigators were asked to comment upon the training and learning process for new investigators. A number of ID/OIOS investigators interviewed confirmed that the learning process in ID/OIOS is slow, inefficient and frustrating.

Additionally, conflicts may arise due to disagreements over the proper way to conduct an investigation precisely because there is no recognized authoritative document that could clarify the procedures. The simple act of an agreement in writing has the capacity to ease the environment of conflict and tension that would otherwise arise over these matters.

Another important function of an investigations manual is to promote transparency and accountability. Complainants, witnesses, subjects, victims, clients and stakeholders of ID/OIOS should be able to access information that explains the way in which investigations are conducted. Transparency of procedures - being able to understand the process and the accompanying procedures involved in investigations – leads to an increase in trust from those outside ID/OIOS as it shows the predictability of the process. It also instills a sense of accountability in investigators and their supervisors. Thus, transparency, predictability and accountability combined, further serve to protect individuals from abuse of authority, as investigators would not be able to change procedures and rules to unfairly obtain information or to cover up their own mistakes and wrongdoings in investigations.

Taking all of the above into consideration, it is recommended that a Control Committee be created in order to oversee and maintain control over all aspects of the investigative work of ID/OIOS. A clear and comprehensive investigations manual would serve as an instrumental guide for the Control Committee because it would assist the Control Committee in ensuring that investigative work is conducted in line with the set policies and procedures and allows for a basis with which to compare actual performance of the investigators.

(It is worth noting here that the work of drawing up SOPs of ID/OIOS has been underway prior to this review. The draft SOPs are discussed and commented upon under Part C, Objective No. 8 of this report.)

The ID/OIOS Investigations Manual

There have been two versions of investigations manuals for ID/OIOS since its establishment in 1994. The current Manual dated 4 April 2005 was prepared jointly by Anthony J. Miller and the Former Director of ID/OIOS and is attached to this report (Annex 7).

The title of the Manual for ID/OIOS reads “Manual of investigation practices and policies.” The stated objectives are the following:

- Set out in convenient form the legislative mandate of the Investigations Division (ID/OIOS) to conduct fact finding investigations and to set out the rights and responsibilities of staff in relation to those investigations. The Manual does this by quoting the applicable rules for the various stages of the investigative process.
- Explain to staff, in text following the quoted provisions of the mandate, the applicable rules and to provide information to staff on the way in which ID/OIOS normally conducts an investigation and makes resultant recommendations to the Secretary-General. The Manual explains the rights and obligations of staff in connection with ID/OIOS investigations. In particular, the Manual explains the procedural differences between ID/OIOS fact finding investigations and the disciplinary process that is governed by different rules and regulations in the Organization (mentioned in the Manual).

- Briefly explain how ID/OIOS interacts with person and entities outside the United Nations from whom it needs information or assistance in order to discharge its mandate.

However, from the viewpoint of an investigator, it is difficult to see how these objectives had been achieved in the 32 pages of the manual that follow. This is because the Manual lacks specific information with regard to the step-by-step procedures that ought to be followed in critical phases of the investigation: 1) receipt of the allegation; 2) meeting with the victim or complainant; 3) obligations to predicate a case; 4) drafting the preliminary investigation report; 5) analyzing the contents of an allegation; 6) the risk assessment process; 7) creating and organizing an effective work plan; 8) identifying and storing seized evidence or other information produced or obtained during an investigation. Finally, archiving procedures, reporting lines and internal/external communications processes are not even mentioned in the manual.

Rather than dwell on the items that the current Manual lacks, the following section will suggest ways in which ID/OIOS can develop a comprehensive user-friendly manual which investigators, complainants, victims, witnesses, subjects, clients and stakeholders of ID/OIOS can turn to for knowledge and information relevant to understanding the overall investigative operations of ID/OIOS.

What should be found in the Investigations Manual?

An ID/OIOS Investigations Manual should provide information keeping in mind an audience that is comprised of both investigators and the other related parties mentioned above. The list below is not an exhaustive list, but rather lists the major topics that should be addressed in ID/OIOS' Investigations Manual:

1. Introduction – describing the aim of the manual and the audience
2. The function and role of oversight of ID/OIOS within the Organization
3. The judicial system of the Organization and its agencies and programs
4. The legal framework for ID/OIOS operations
5. Ethics and integrity in investigations
6. The structure of ID/OIOS
7. Roles and job descriptions of different employees in ID/OIOS (Director, Deputy Director, Team-leaders, Chief Investigator, investigators and administrative personnel)
8. Investigative steps that are taken from the initial case intake to the submission of the final report to the Director of ID/OIOS
9. The role and function of the Intake Committee in ID/OIOS
10. The role and function of the Final Report Committee in ID/OIOS
11. Administrative investigations - as fact-finding missions, should describe in detail and in language accessible to all, the requirements of fairness and due process that are adhered to in investigations. Also, all SOPs should be attached. Some of the investigative work that may require further discussion may include:
 - Planning, organizing and steering investigations
 - Background checks and open source searches

- Interviews of complainants, victims, witnesses and subjects
 - Searches and seizures of evidence
 - Investigations involving electronic evidence (computers, cell phone, fax machine and others)
 - Report writing
12. Team work in practice
 13. Case prioritization processes – methods used to determine which cases require further investigation
 14. Case management system
 15. Archives – description of its purpose and how it functions and confidentiality and whistleblower protection procedures
 16. Internal/External communications – communicating within ID/OIOS and relevant procedures in providing information on cases outside of ID/OIOS
 17. Training levels – detailed descriptions of the different training levels to be attained by investigators as well as information on general investigative trainings
 18. Measurements of key performance results
 19. Internal controls in ID/OIOS and the role of the Control Committee

Templates and examples should be attached to the ID/OIOS Investigations Manual in order to make discussions of cases realistic and more accessible.

For easy access, the ID/OIOS Investigations Manual should be available in both hard-copy (at least one to be placed in every ID/OIOS office) and electronic form (for purposes of transparency, it should also be accessible at the UN web page).

Much of the information recommended for the ID/OIOS Investigations Manual proposed will be available once the draft SOPs (discussed above under Objective No. 8) have been finalized. The remaining information not addressed in the SOPs will need to be developed and written in a manner that is clear and accessible to all. For additional guidance and inspiration, the investigations manual for the World Food Programme and OLAF are attached to this report as Annexes 17 and 4, respectively.

Recommendations for Objective No. 10

108. Replace the existing ID/OIOS Investigations Manual with an organized and comprehensive manual that provides background information on internal investigations, as well as detailed instructional rules, regulations and procedures. (See list on pp. 99-100 of this report for detailed list). The manual should be accessible both in hard-copy and electronic form and should be sufficient in order to inform and provide guidance to the following:

- Newly hired and existing ID/OIOS investigators
- Complainants, witnesses, subjects, victims, clients and stakeholders of ID/OIOS
- A newly established Control Committee
-

109. Task a Control Committee that would be tasked with the responsibility of reviewing and ensuring adherence to the policies and procedures set forth in the new ID/OIOS Investigations Manual (as well as relevant SOPs).

Objective No. 11: The culture of investigations division

Objective No. 11 is described in the Terms of Reference as follows:

Incorporate the results of the survey of ID/OIOS staff - conducted separately – to the review, to identify possible subcultures and informal leadership, and to assess the culture of the workplace.

Introduction

The Terms of Reference did not include a culture review of ID/OIOS but opened up for assessment of the culture of the workplace, based on the findings from the separate *Study of the Organizational Culture of the Investigations Division* made by Michel Girodo. Since there is only a draft report available from the culture review, findings and statements from the culture review are not cited here.

A historical understanding of the organizational culture of ID/OIOS is crucial in order to improve the way in which ID/OIOS operates today. Below are the findings and comments of the organizational culture of ID/OIOS made as part of the broader task of this review.

Understanding culture

It is almost impossible to conduct any review of ID/OIOS as an investigative unit without taking into consideration the culture of the division. In large part, culture seems to emanate from the uppermost levels of management, or the “tone at the top.” Thus, significant changes or improvements in the culture of an organization often must begin at the supervisory or management level and require the full support of those individuals in upper management positions. Edgar H. Schein, perhaps one of the most renowned social scientist studying corporate cultures refers to culture as:

- the way to do things around here
- the rites and rituals of a company
- the company climate
- the reward system
- the basic values

(Schein 15)

Schein also goes on to state the three levels of culture in an organization:

- Level 1: artifacts (what one sees, hears and feels in the workplace)
- Level 2: espoused values (the values of the organization)
- Level 3: shared tacit assumptions (an understanding of the history of the organization - from the time the organization was started by individuals or small teams who initially impose their own beliefs, values, and assumptions on the people whom they hire)

(Schein 15-18)

Schein states that these jointly learned values, beliefs and assumptions that comprise the essence of a culture become shared and taken for granted as the organization continues to grow. (Id.)

The importance of social learning theory is that it “maintains that people can acquire new attitudes and behaviors by observing others’ action.” (Forsyth 235) The same source also states that “[g]roup leaders can also model desirable behaviors by treating the group members in positive ways and avoiding behaviors that are undesirable.” (Id.) Social scientists studying corporate culture tend to agree that the responsibility for workplace cultures lies at the top. Thus, it is the supervisors who have the strongest influence on the workplace and are the most likely, therefore, to effect a change in workplace culture. Increasing the morale of the workforce is critical to foster high quality work.

It is worth mentioning that Schein also discusses the importance of recognizing that there is no right/wrong or better/worse culture. (Schein 21). In contrast, other social scientists define various types of corporate culture, such as functional or dysfunctional culture. Dysfunctional culture is defined as a culture that works against the goals set out by those in top management levels.

Overall impression of the historical culture of ID/OIOS

ID/OIOS has experienced rapid growth since 2002. At the same time, it has had to confront major challenges, including a high turnover rate in the midst of dealing with complex and sophisticated cases in areas dealing with procurement services, smuggling and SEA, to name a few. These cases required experienced and dedicated staff but often suffered due to various factors including lack of stability and optimization of resources.

During interviews with ID/OIOS staff which were not intended to focus on the culture of ID/OIOS, it was impossible to ignore the similarity in feelings, opinions and often frustrations of those being interviewed. The major findings from these interviews and observations included the collective cultural memory of a micromanagement style created and later inherited from the Former Director. The style of management that existed for close to 14 years led to a certain sense of office paralysis that existed during the tenure of the Former Director. The major reason for this state of paralysis was the complete lack of delegation of authority to anyone other than the Former Director, as well as the lack of

formal procedure in place for the day-to-day functioning of the division. That is, for 14 years investigators were not allowed to develop cases on their own, as all major case decisions were made by the Former Director, e.g., decisions involving intake, predication of cases, work plans, preliminary investigations reports, final investigation reports. There was an almost obsessive focus on confidentiality and a lack of transparency in ID/OIOS, which gave people outside ID/OIOS the impression that it was being directed as an intelligence service with a top-down, hierarchical structure that created and maintained a culture of fear and insecurity. As a result, if the Former Director was not in the office, work processes often came to a halt and the work of ID/OIOS was vulnerable to unnecessary delays, insufficient distribution of work and drawn-out investigations. The micromanagement style that existed possibly increased the risk of wrongdoing. It also allowed decisions that were often not in the best interests of ID/OIOS or the Organization to go unchallenged by the staff, as they were raised in a workplace culture in which they did what they were told, without resistance or argument.

Findings and observations from this review

Because the concept of organizational culture is itself vague and not amenable to quantitative measurements, it is useful to present findings on the culture of the organization in qualitative terms. Towards this end, actual statements made by ID/OIOS staff during the interviews are set forth below and divided into 6 categories that are relevant to this review. It is important to remember that the notion of organizational culture is, in part, based on historical experiences. As such, statements from the past are still valid in the overall assessment of culture. The statements below may have been slightly modified for reasons of confidentiality or clarification, but the general import of the statements has remained as true to the original statement as possible.

1. Lack of trust – sense of being misled or lied to

I am not able to trust my supervisor in the Vienna office.

My supervisor in the Vienna office tells me lies.

The Deputy Director in Vienna lied to me.

Supervisors must trust the investigator in charge of a case by the top managers – or if not the investigator should not be responsible for the investigation or the outcome of that investigation.

When I was interviewed for the job I was told to work in one particular office, but when I started I was sent to another office.

The investigator was given wrong information when interviewed as a candidate for the job. The investigator was told there was no difference between certain levels of professionals as well as foreseeable career in ID.

There is nepotism in the office.

2. Lack of structure – breakdown in processes and communication

It was hard to communicate with people when I started.

I was not told anything or explained how to do the work when I started.

Most investigators in Vienna and Nairobi work behind closed doors and do not involve themselves very much in other investigators' work. Investigators in New York have a more open door policy, but are still working on their own cases.

There is no team work in ID/OIOS.

There is a lack of internal communication in the Vienna office.

There are no, or just limited, communication with investigators in the New York office.

The direction in ID/OIOS is vague.

There are no goals and instructions are constantly changing.

No one is asking for any results on the work I am doing.

There should be more open communication so people know what is going on.

Communication with managers is not good. There are a lot of rumors and when managers meet they attack each other.

There is still too much work done behind closed doors.

There is no open door policy, even in the missions. No meetings. People hide behind closed doors.

Investigators are given different directions and there is a need for uniformed guidelines.

Managers do not make decisions and there is no structure in place. This has happened because of the rapid expansion of the ID/OIOS office.

There is a high level of frustration that has a negative effect partly because of lack of policy and lack of decisions in terms of what to investigate.

There is no sharing of experiences.

The lack of SOPs, proceedings and internal information can results in errors made by investigators in ID/OIOS.

There is lack of communication.

ID/OIOS has a major communication problem.

There is little or no discussion of tactical issues in investigations conducted by ID/OIOS.

Investigators are mainly working by themselves, having no assistance or interaction from colleagues.

There is no direction – strategy or training in place for ID/OIOS.

3. Negative/hostile environment – negative or no support

The first impression of ID/OIOS was very bad.

There is intensive competition among several investigators to get the P 4 positions.

Some colleagues use other colleagues work and present it as at their own to promote themselves as candidates for positions.

There used to be a cold atmosphere in the Vienna office before. Some persons who left the office may have contributed to this. Now there is more communication and people talk to each other.

The ID/OIOS office in Vienna has a culture of blaming other people.

In the Vienna office people are afraid to criticize because they are afraid of not getting their contract renewed.

Some investigators seem to believe they are still working in the police and act like they are doing police work. They do not see the difference between internal investigations and police work.

Supervisors must trust the investigator in charge of a case by the top managers – or if not the investigator should not be responsible for the investigation or the outcome of that investigation.

ID/OIOS is a combat zone. The fight is going on between the Deputy Director (Vienna) and the Operational Managers (Vienna) and the Operations Manager (Nairobi) on one side and the Acting Director and the Operations Manager (New York) on the other side.

Management is in continuous combat with one another and staff members in ID/OIOS are demoralized by this combat.

ID/OIOS is not here to help but to fight with each other. They take advantage of other staff members' mistakes within ID/OIOS. Even supervisors spread the word of mistakes that another investigator conducts. The other investigators hearing this are afraid it will be them next time.

When supervisors fight some of the investigators have to choose which group they want to belong to and make sure they do not speak to or interact with persons from the other group. They also try to ensure that others do not believe they are talking to anyone from the wrong group of people within the office. This is because they are afraid of the consequences for their career, e-pass, salary and safety in the division.

The fight seen in the e-mails from supervisors is unprofessional and shows that some people in ID/OIOS have a lack of respect for others.

The spirit is missing in ID/OIOS.

Many investigators in ID/OIOS feel bad about working in ID/OIOS. People are treated badly, that is why there are negative reactions from investigators.

There is high turnover rate in missions because of the stress involved, staff being away from their family and low morale as a result of bad management.

There is a mud slinging culture in ID/OIOS.

Some investigators have a fear of being connected to the final investigation report that others in ID/OIOS find to be poor work.

ID/OIOS has a culture of criticism. The ones who criticize do not perform themselves.

ID/OIOS is like an adopted child and do not have the respect they need or should have.

80% of the investigators in mission look for other jobs because living in the missions is so hard.

There is a high risk involved in traveling for investigators in missions.

The life of some investigators in some of the missions is a life in isolation.

4. Lack of feedback (positive/negative) – feelings of apathy/frustration

Investigators on P 3 level should be allowed to conduct investigation on their own and not be led by investigators on P 4 level in every case.

Supervisors in Vienna office do not show their investigators that they see the work they are doing. Investigators do not receive feedback from supervisors. There is no coaching of investigators in Vienna.

Investigators never receive good feedback in the Vienna office.

You do not know if your work is appreciated or not.

Some investigators feel that ID/OIOS is not doing anything to make them grow and stay in ID/OIOS.

5. Management problems – conflicts among managers, mismanagement of staff

The Deputy Director in Vienna is obstructing the work of the Acting Director, partly by making objections to almost everything the Acting Director decides. Other investigators see this as sabotage from the Deputy in Vienna even if the Acting Director is not addressing this at all.

The Deputy Director in Vienna is manipulating the recruitment procedure by promising people jobs even if they are not the best qualified person applying for the job.

There is dictatorship and manipulation in the Vienna office.

Supervisors need training on how to delegate power and to motivate employees.

Supervisors have favorites in the office and are not credible.

Supervisors should be able to take care of complaints from staff and not just ignore them as they seem to do today.

Supervisors act as they own the office as their private space.

The former Director of ID/OIOS did not allow any interaction between IAD and ID/OIOS. The Deputy Director in Vienna has the same attitude and does not allow such interaction.

There has been and still is micromanagement of the top level in ID/OIOS.

Decisions should be made by persons on a local level on the ground and not leave all decisions to New York office of Vienna.

A person in an office was used as a spy to report to supervisors on what was going on in a certain ID/OIOS office.

The management is dysfunctional.

Management is divided into separate camps. The consequences of the might on the management level are demoralizing, no policy decisions are being made and there is lack of communication. The consequences include the risk of professional investigators with good skills leaving the Organization. Investigators are frustrated.

Who decides what is right and what is wrong when the staff rules and regulations are unclear? Is it the Deputy Director of ID/OIOS in Vienna who decides that?

There is no level of trust between the Acting Director and the Deputy Director.

The ID/OIOS office before the Acting Director came on board was run by fear with unlimited power by the former Director using two Deputies. One of them is the Deputy Director today.

The Director of ID/OIOS can decide to instruct investigators to do work that they normally should not prioritize by instructing the person assessing the RAP score to set a certain score higher. This happened with a case where investigators only performed a background check. This is something that could not give the RAP score of 100 or more.

There are two different schools in ID/OIOS at the moment. The old school represented by the Deputy Director in Vienna sees things in black and white and wants confidentiality, independence and no interaction with anyone. The new leadership in the New York office of ID/OIOS wants more interaction and wants to ask IAD for assistance and to be briefed, in order to address problems that need to be fixed.

Investigators are still waiting for a new director. Today it is only an Acting Director in charge. When a new Director is onboard they can start over.

6. Miscellaneous comments – positive and negative

The supervisors in the New York office know what I am doing and follow up my work. I am also getting advice from supervisors.

ID/OIOS should clean their own office before telling other staff members how to work for the Organization.

Lack of administrative support in the UN as a whole is a major reason why people quit.

Persons working in ID/OIOS are very nice and very helpful.

It is the New York office against the rest in ID/OIOS.

The problem of the ID/OIOS office is personality. The rest of the problems are easy to solve.

Conflict at the senior management level

As mentioned above, there is still an ongoing conflict at the management level involving mainly the Deputy Director in ID/OIOS Vienna office and the Acting Director at Headquarters in New York. Although it is believed that the tension arising from the conflict has been reduced in the last couple of months, there is still a noticeable lack of cooperation between them. From a management perspective, there is no doubt that the Deputy Director should respect and make efforts to carry out the directives of the Acting Director as well as of the Under-Secretary-General of OIOS. The only legitimate reason for the Deputy Director to not support the Acting Director's instructions would be if these instructions were counter to the goals and the mandate of the Organization itself. This does not appear to be the case.

Based on the statements given during the several interviews, it is clear that the conflict has not been well-contained. That is, it is well-known amongst the ID/OIOS staff and further, over time it has had a negative impact and has interfered with ID/OIOS operations in general. Having a constant conflict that resists resolution in the uppermost levels of management has worked its way down to all working levels and has negatively affected the morale of the staff. Mischaracterizations and the assignment of blame, both of which were revealed in the interviews, further hinder resolution of the conflict.

It is always difficult to determine whether the conflict is a symptom of a problem or the root of a problem itself. If the conflict is the problem itself, overcoming the conflict would then result in improving the culture of the workplace and, in turn, the quality of the work output. If the conflict is viewed as merely a symptom of larger problems that ID/OIOS is experiencing, e.g., lack of goals, strategy, delegation of authority and SOPs, resolving or reducing the conflict would require ID/OIOS to first overcome these problems. Regardless, the conflict undoubtedly contributes to the dysfunctional culture, making it increasingly more difficult to focus on improving the quality of the work of ID/OIOS and should therefore be addressed immediately.

Much can be learned from social scientists studying the nature of conflicts. Conflicts can be personal, substantive and procedural. Conflicts have a tendency of moving in circles: after a routine interaction the conflict arises; the conflict escalates; the conflict is resolved. Conflicts are not necessarily all negative. For example, when group members confront the conflict and work towards a solution, the conflict may become a valued resource rather than a problem that must be eliminated (Forsyth 235). Conflicts may serve as a catalyst for change by underscoring the recognition of the need to achieve new goals.

Based upon the review of the organizational culture of ID/OIOS and the way it functions today, it is unlikely that the quality and performance of ID/OIOS will improve significantly without addressing and resolving the senior level management conflict described above. The Under-Secretary-General should therefore consider identifying

mechanisms to reduce the tension created by the conflict. The hope is that by doing so, the atmosphere, morale and spirit will improve and have positive implications for the overall work functioning of ID/OIOS.

The draft report done by Michel Girodo also discussed an existing conflict between PTF and ID/OIOS. However, this conflict will not be commented upon in this review, as a review of PTF was not included as part of the Terms of Reference for this review with the exception of the recommendations for an integration strategy of PTF's case load to ID/OIOS.

Moving toward a new and stronger ID/OIOS

Based upon the interviews and observations of the workplace culture of ID/OIOS, it appears that in order for ID/OIOS to make substantial improvements in terms of quality and efficiency, it is essential to hire supervisors and managers of ID/OIOS who possess the necessary professional and managerial skills and experiences. Senior management personnel should be able to motivate and effectively lead the ID/OIOS team of investigators and staff, as well as handle conflicts which may arise, in a manner that is professional, understanding and efficient. (See also Part B, Objective No. 9 and Training Recommendations in this report).

Objective No. 12: Timeframe and implementation plan

Objective No. 12 is described in the Terms of Reference as follows:

Develop a timeframe and implementation plan for recommendations.

NO	TASK	ACTIVITY	RESPONSIBILITY	DEADLINE	RESULT
1	Policy and strategy	Clarify the strategy for ID/OIOS over the next 12 months as well as for the next 3 years.			
2	Describe the legal framework for ID/OIOS operations	<p>Describe relevant issues, for example:</p> <p>Who may be a subject for an ID/OIOS investigation?</p> <p>Describe limitations and scope of ID/OIOS's ability to conduct investigations in general.</p> <p>Describe also possibilities and restrictions for search and seizure in the Organization as well as outside the Organization.</p> <p>Describe with clarity the investigative steps ID/OIOS may conduct.</p> <p>Describe with specificity ID/OIOS's ability to search for electronic evidence during the conduct of an investigation.</p> <p>Describe the protocol for ID/OIOS in instances where there is evidence of criminal offenses committed by UN Officials and Experts on Mission and Military Members.</p> <p>Describe the powers ID/OIOS has during administrative investigations, as well as the duties of UN Officials, Experts on Mission and Military Members to cooperate and provide information to ID/OIOS.</p> <p>Describe the applicable rules and regulations for UN Officials, Experts on Mission and Military Members.</p> <p>Describe what constitutes a violation of applicable rules and regulations in terms of acts and omissions with examples. Further clarify for the investigators the consequences of said violations.</p> <p>Set forth the existing precedent for different categories of cases in the Organization relevant to the work and investigations of ID/OIOS (e.g., information from CDT, Joint Appeals Board, Joint Disciplinary Committee (JDC) and others).</p> <p>Distinguish between category 1 and category 2 cases and explain the difference by examples.</p> <p>Describe the possible outcomes of an investigation including instances of referral of cases.</p>			
3	Structure & authority	<p>A) Decide upon the structural changes to be implemented in ID/OIOS in order to improve quality and efficiency in investigations, e.g., placing more investigators on each case being investigated and decreasing the number of individuals in the chain of command for drafting case reports.</p> <p>B) Consider building separate teams with responsibilities for different types of cases, e.g., SEA, Procurement and others.</p> <p>C) Move the Deputy Director from Vienna office to HQ in New York where the Director of ID/OIOS is located to ensure that both are placed in HQ.</p> <p>D) Consider changing the structure of roles and responsibilities by establishing three levels of responsibility: (1) Director (2) Deputy Director (3) Team-leaders and (4) Chief investigator. Delegate authority closest to the supervisor on a given case to promote timely responses to allegations of wrongdoings as well as the overall speed and efficiency with which a particular case is dealt.</p> <p>E) Change reporting lines and establish a committee within ID/OIOS to review and make decisions based upon the submission of the final case report from the team-leader in charge of the case. The committee would then submit the final case report to Director of ID/OIOS for final decision and transmission to the Under-Secretary-General.</p>			

- F) Decide upon the most effective geographical locations for ID/OIOS offices in Europe, which would assume responsibility for violations committed in the Organization's offices throughout Europe.
- G) Consider shifting the responsibility for investigations in PKO to ID/OIOS office in Nairobi. This would entail relocating all investigators working in the missions to the Nairobi office as a hub for PKO investigations.
- H) Consider establishing a board or committee of at least three persons from outside OIOS responsible for monitoring the work of ID/OIOS on regular basis as a form of quality control for ID/OIOS operations and investigations.
- 4 Management/ leadership
- A) Find solutions to improve the cooperation between supervisors at the senior management level in ID/OIOS. Instruct the Deputy Director in Vienna to respect, adopt, and follow instructions from the Head of ID/OIOS in New York.
- B) Ensure that supervisors are qualified and have impressive documented experience in supervision. Consider the use of human resources consulting firms to identify qualified supervisors at all levels.
- C) Develop criteria for leadership performance including employee and stakeholder satisfaction. Monitor the results.
- 5 Intake procedure
- D) Conduct training for managers in leadership positions.
- A) Establish a well-functioning front desk for ID/OIOS that would be able to receive allegations or requests on a 24-hour basis.
- B) Delegate authority of initiation of cases to the ID/OIOS office closest to the place the wrongdoing was committed.
- C) Identify various ways in which cases may be reported and invite each program officer responsible for fund and programs to report or discuss risks and cases with representatives from ID/OIOS.
- 6 Case Management System and archives
- D) Establish the Intake Committee.
- A) Secure and maintain the integrity of case files by establishing an archive of hard copy files. Set forth in writing the archive instructions and establish physical archives securing information and classification systems of documents. Ensure a system that maintains an audit trail, i.e., one that is able to track who has access to which cases and documents.
- B) Develop a new electronic Case Management System that is easily accessible from all ID/OIOS offices and missions. Study the CMS developed by OLAF to access information and inspiration to a CMS for ID/OIOS.
- C) Ensure that the CMS has an audit trail functionality within the Case Management System (to keep track of changes made to the file and by whom) as a further means to ensure the integrity of the case files.
- 7 Communications plan
- A) Establish an Internal Communications plan for ID/OIOS, including instruction for regular meeting with management and investigators in ID/OIOS, describing reporting lines within ID/OIOS, internal updates for investigators and more.
- B) Establish an External Communications plan for ID/OIOS.
- C) Establish a system which would allow ID/OIOS to obtain assistance in certain cases from IAD when such expertise is needed
- 8 Develop uniform working methods and best practices
- A) Finalize Standard Operating Procedures (SOPs).
- B) Develop a new investigation manual as a handbook for ID/OIOS describing the framework for investigations, relevant rules & regulations, SOPs, best practices and templates. (See No. 2.)
- C) Establish an electronic best practices tool for lessons learned and for the

- sharing ideas of investigative practice within the Organization. Investigators from all ID/OIOS offices should be able to access, use and develop such practices online.
- 9 Training program for investigators
- A) Develop a training manual for investigators.
- B) Establish a training program for each investigator starting in ID/OIOS office as an introduction program.
- C) Conduct training for level 1 (Described in the final report from the review).
- D) Conduct training for level 2 (Described in the final report from the review).
- E) Conduct training for level 3 (Described in the final report from the review).
- 10 Key performance results
- A) Establish a framework of indicators for key performance results.
- B) Establish reliable measurements for accountability with regard to case investigations.
- C) Develop a system to monitor indications of performance that includes the inputs of Program Managers and others receiving reports from ID/OIOS.
- D) Compare results with other international investigative units.
- E) Develop a system to monitor the overall effects of ID/OIOS' work upon the Organization.
- F) Ensure there is a system in place to follow-up and implement practices based upon lessons learned.
- 11 Internal control and auditing
- A) Ensure an effective internal control framework for ID/OIOS including control of investigators and supervisors at every level.
- B) Establish a board as an external control committee for ID/OIOS as mentioned in 2(H) above, ensuring that internal mechanisms are functioning at a certain specified requisite level.
- C) Identify some of the most criticized cases investigated by ID/OIOS with inadequate or no follow-up actions taken. Conduct an audit of those cases in order to discover the reasons for which ID/OIOS did not succeed in their investigations. Some of these cases were later investigated by the PTF with different results.

PART D:

The proposed model for a new Investigative and Integrity Unit (IIU) in the Organization

Introduction

The aim of this review has been to analyze and evaluate current organizational structures, effectiveness, management and operational practices of ID/OIOS. Throughout this report, recommendations have been offered for the purpose of ultimately building a credible investigative practice with the highest standards in terms of quality of investigators and investigations, professionalism and fairness and due process. Because we are always confined by practical realities and limitations, most of the recommendations for improvement have been recommendations that could be accomplished within the current organizational structure of ID/OIOS and OIOS. However, Part D has been added as a separate set of recommendations based upon the vision of a completely new creation – the Investigative and Integrity Unit (IIU). These recommendations may not be grounded in reality but neither are they constrained by it.

It should be pointed out that the following description of the IIU is valuable not only as a creative exercise, but also as another tool with which to evaluate the current state of ID/OIOS. That is, by envisioning an ideal unit and its working processes and functions, we may come to a better understanding of ID/OIOS itself and the underpinnings of its present weaknesses and limitations.

Building a new independent Investigative and Integrity Unit

In order to establish IIU within the Organization, it is recognized that only the General Assembly has the power to establish IIU. Additionally, IIU should be developed as a part of a new judicial framework for the Organization.

Apart from the above requirements, there are two major differences between the structure of IIU and the recommended structure of ID/OIOS. The first major difference has to do with the importance of having a completely independent investigative unit. The IIU would therefore be a separately existing entity from OIOS, with its own budget provided for by the General Assembly. As a result, the IIU would report directly and only to the Secretary-General and the General Assembly. Second, the IIU would possess the power and authority to prosecute cases before the different disciplinary committees or a judicial decision-making body within the Organization.

IIU should be controlled by a Control Committee comprised of at least 3 members outside OIOS. The Control Committee would oversee both the investigators and supervisors in IIU to ensure that they are in compliance with the rules, regulations and principles set out for IIU.

Why establish a new Investigative and Integrity Unit (IIU)?

The Organization should change the way investigations are organized and conducted in order to overcome the most serious challenges that it is facing today in terms of staff and peacekeeping members' misconduct and wrongdoing. The IIU would have the ability to investigate any potential wrongdoing by staff members regardless of the individual's status, rank or relationships with program managers or those in higher positions.

The success of PTF substantiates the need for a strengthened investigation function through the recruitment of highly trained professionals in order to effectively deal with matters of fraud, corruption, waste or abuse. The advantages of vesting powers of investigation as well as prosecution in IIU would make case resolutions more expedient. Additionally, having those who have investigated the case also serve as the prosecutors for the case would prove beneficial in terms of their comprehensive understanding and unique knowledge of the case.

One of the most important results of having a strengthened IIU is the impact it may have on staff and peacekeeping members. Knowing that an effective unit is in place which is successfully seeking out and identifying instances of wrongdoing will most likely contribute to the prevention of further wrongdoing itself.

The following sections address key issues involved in the creation of IIU. Some of these issues speak directly to the issues and challenges that ID/OIOS is currently facing, i.e., lack of ownership of cases, the inability to coordinate and manage cases in the most efficient manner, lack of independence and the failure to organize investigators according to areas of expertise.

Structure

The structure of IIU does not differ substantially from the proposed organization structure for ID/OIOS (Annex 20 and 21, respectively). The structure and framework for IIU is based upon motivated and highly skilled professional investigators with expertise in different types of investigative matters. Separation of investigators according to expertise is a necessary component in building a more effective investigative unit. (This same structure applies to ID/OIOS as well).

The structure of the organization is important in order to define authority, responsibilities and reporting lines. The structure would also ensure that staff members be held accountable for their own cases and activities.

Effective investigation respecting due process

It is necessary to achieve a balance between effective detection and due process. Good governance, competence and professionalism each contribute to its achievement.

Which cases should IIU investigate?

IIU should have the responsibility to investigate the most serious cases of corruption, fraud, abuse and misconduct committed by all Organization personnel (both staff members and peacekeepers).

A number of minor cases should be referred to other investigative units within the Organization and its programs and agencies.

Management and leadership

The management personnel of IIU should have extensive managerial and supervisory experience. An in-depth knowledge and understanding of relations-oriented leadership should be required.

It is an obvious advantage for managers in IIU to have investigative experience as well. However, it is more important to have investigators with extensive investigative experience, while managerial positions should be more oriented towards planning, organizing, steering and facilitating the work of the investigators.

The Director and Deputy Director of IIU would hold their positions for no more than 5 years to protect IIU from the abuse or misuse of the power inherent in those positions.

Authority and accountability

IIU should have the authority to decide which cases to investigate and prioritize without pressure or influence from other parties within the Organization.

IIU should have the power to present a case before the relevant disciplinary committee handling the case.

Operational proceedings

The operational proceedings should be the same as suggested for ID/OIOS under Objective No. 9 of this report.

Reporting lines

IIU should report to the General Assembly and answer any questions the General Assembly might have for IIU.

Financial independence

It is essential that IIU have financial independence from other Organization entities. It is proposed that IIU funding come directly from the General Assembly.

Control committee for IIU

It is recommended that a Control Committee be established in order to review and maintain control over investigators and investigations.

The main purpose of the Control Committee would be to assess and review the work conducted by IIU, with a special emphasis on the supervisory positions. The Control Committee should conduct performance checks to ensure that investigators are in compliance with the rules, regulations and principles set out for IIU.

Recommendations for Part D

110. Establish a new unit, Investigative and Integrity Unit (IIU), within the Organization that will take over the work and replace the existing ID/OIOS. IIU should have financial and operational independence and report directly to the General Assembly and the Secretary-General only. Additionally, the IIU should be granted both investigative and prosecutorial powers, i.e., IIU should have the power to bring cases before the relevant disciplinary committees or a judicial decision-making body.

111. Establish an internal judicial system able to handle serious disciplinary matters. Decisions handed down in disciplinary cases should be appealable before a panel. There should be statutes of limitations established with regard to the time within which a case may be investigated, sanctions may be issued and decisions may be appealed. Time-limitation rules would ensure rapid disciplinary decisions as well that case loads are prioritized.

112. The organizational structure for the IIU should be:

- Geographic location of the unit:
 - HQ in New York
 - Offices in Nairobi to cover peacekeeping missions in Africa
 - Office in Geneva to cover Europe and all peacekeeping missions outside Africa

Investigators working in the missions should be placed either in the Nairobi office or in the Geneva office (family duty stations) and operate from those duty stations in the missions.

- Create a staff team that is connected directly to the Director and the Deputy Director. The staff team should consist of the following:
 - Legal advisor
 - Quality Assurance Expert
 - Trainer
 - Communications/Information Manager
- Create an organizational structure with a direct reporting line between the Director/Deputy Director and the team-leaders responsible for investigations.
- Assign team-leaders responsibility for the investigation as a whole - from the creation of a work plan to the completion of the final report – which includes supervisory roles throughout the investigation.
- Divide staff into teams which have separate areas and responsibilities upon which to focus:
 - SEA team
 - Procurement team
 - Misconduct team

- Treasury team
- Advisory team
- Investigative Technique team (electronic forensics, securing evidence, charts, information database to be used in investigations)
- Administrative team
 - Administrative staff
 - Budget matters
 - IT support

113. A Control Committee comprised of at least 3 members from outside OIOS should be established to oversee both the investigators and supervisors to ensure compliance with the rules, regulations and principles set out for IIU.

114. Separation of investigators according to expertise is a necessary component in building a more effective investigative unit.

115. The management personnel of IIU should have extensive managerial and supervisory experience. An in-depth knowledge and understanding of relations-oriented leadership should be required.

116. The Director and Deputy Director of IIU would hold their positions for no more than 5 years to protect IIU from the abuse or misuse of the power inherent in those positions.

PART E: Recommendations

Part B Recommendations

1. The style of the leadership and management of ID/OIOS needs to be reorganized and restructured in a manner that would increase overall work quality and performance by developing a vision for the entire unit. Several investigators within ID/OIOS have expressed a lack of motivation, energy and enthusiasm. Supervisors have a major responsibility to address this issue and ensure that the work environment is one that supports the investigators in their work and provides them the opportunity to carry out their functions in a proper, effective and timely manner. This would contribute to the output of high quality work product, which would in turn engender and improve the confidence and motivation levels of the investigators in ID/OIOS.

2. Recruit qualified supervisors with extensive documented experience in supervising. Qualification criteria for supervisors should be, in addition to investigative knowledge, the possession of motivational skills, quality management skills and professional developmental skills (as to employees). As well, supervisors should evidence a genuine understanding of empathy, ethics and professional integrity.

3. Supervisors should be instructed to provide investigators with positive and negative feedback to contribute to an open and supportive working environment.

4. The management of ID/OIOS should be improved and strengthened so that its operations may not be affected or compromised by the politics of the Organization.

5. Resolve conflicts at the senior management level. Presently, the conflict at the senior management level of ID/OIOS has come about, for the most part, as a result of the Deputy Director's objection to the new Acting Director and the changes implemented within ID/OIOS this last year. The conflict is known to most investigators and has had a negative impact on both the morale and the daily investigative work of the division. Any changes or developments in ID/OIOS will be extremely difficult to achieve if this conflict is not resolved, or at the very least, dealt with in a manner to reduce the tension at the senior management level. In order to deal with this conflict, it is recommended that the following steps be taken:

- Engage an advisor to assist in a strategy for conflict negotiations
- Clarify authority and power to the senior managers involved in the conflict
- Draft a work plan for the senior managers addressing problems to be solved by them and the expectations of the Under-Secretary-General in terms of dealing with the conflict without interference and further damage to the important work of ID/OIOS. The work plan should further include steps to be taken within a certain time frame and goals to be achieved

- Develop systems of measurement to track the progress of the steps set forth in the work plan

6. Supervisors, i.e., the Acting Director and Deputy Director, and team-leaders of each ID/OIOS office, should be charged with the responsibility of arranging regular weekly meeting for investigators to discuss the planning of investigative work, lessons learned, shared visions for the division, etc., in order to allow the sharing of internal information as a means to improve and enhance the overall working performance of ID/OIOS. It is further recommended that the number and regularity of meetings with ID/OIOS staff in general be increased.

7. The Acting Director of ID/OIOS should create a reasonable work plan for ID/OIOS for the next 12 months and for the next 3 years.

8. Identify the process to develop the strategy for ID/OIOS, addressing the following questions among others:

- What should ID/OIOS be doing and why?
- Name the most important stakeholder to ID/OIOS and describe their expectations.
- What is the major strength of ID/OIOS today?
- What is the major weakness of ID/OIOS today?
- What can be done to improve the performance of ID/OIOS? What are high risk areas that hinders ID/OIOS in terms of its future performance?
- What should ID/OIOS goals for the next three years be? Describe how ID/OIOS can achieve these goals in terms of a detailed three-year plan, as well as the instruments to be used for measuring the achievement of these goals?
- How can ID/OIOS strengthen its position by working together with other parts of OIOS, in particular IAD?
- How can OIOS prevent wrongdoing by staff members, in terms of increasing its cooperation with stakeholders and clients of the ID/OIOS?

9. The most important goals for ID/OIOS should be the increase of efficiency, speed and the quality of investigations.

10. Investigators must be provided with clear descriptions of the directions and goals for ID/OIOS. Investigators cannot currently write up their E-pass due to the lack of this information (Annex 22).

11. Define and develop instruments of performance measurement/appraisal for ID/OIOS which are based upon qualitative rather than quantitative measurements. Address the following:

- Identify what aspects of ID/OIOS performance should be measured and why
- Identify stakeholders and clients of ID/OIOS
- Identify stakeholders' interests in ID/OIOS and measurements which would be useful to them

- Identify questions to ask stakeholders and clients as a means to measure the performance of ID/OIOS
- Develop a framework for measurement as a balances scorecard as an additional instrument to assess performance
- Ensure that the results of such assessments and/or indicators may be re-examined

Part C Recommendations

Recommendations for Objective No. 2

12. There must be procedures that ensure regular surveillance of the case load in order to prioritize and direct resources towards the most important cases at all times. A formal and reliable system of case prioritization should be created. Cases that are not prioritized or cases that cannot be investigated should be reported to the Under-Secretary-General of OIOS at least once every quarter.

13. Identify an effective way of prioritizing cases which would, in turn, lead to quick investigative responses in cases that require less investigation, most importantly with regard to certain types of SEA cases.

14. A special committee, the Intake Committee, should be created to make decisions concerning which case to investigate. The committee should consist of the two Deputy Directors and two risk assessment experts. The board should meet once a week (in-person meetings, via phone or video conference) to make intake decisions as well as necessary changes in prioritization of the case load.

15. As part of the assessment for the intake of cases, a background check of the named individuals and the companies involved should be performed. The assessment should also include a search for information from corresponding cases, as well as other relevant information from previous information given to ID/OIOS.

16. Conduct a risk assessment analysis of the overall risk to the Organization arising from violations of the rules and regulations, especially with respect to cases of sexual exploitation and abuse, corruption, fraud and financial waste and abuse.

17. ID/OIOS should refer instances of minor staff misconduct to other capable investigative units within the Organization, subject to the recommendation by the Intake Committee.

Recommendations for Objective No. 3

18. Develop a new electronic CMS to ensure secure communication and prevent errors or misuse of case file documents. Presently, there is high risk for errors in the currently-used Citrix CMS. There is at least one instance in which a case file had been mistakenly deleted and ID/OIOS was not able to recover the case information. To prevent future

occurrences and to reduce the risk of error in general, ID/OIOS should require the new system to possess the following capabilities:

- Describe the requirements and the scope of work
- Implement an electronic CMS that is valid and reliable, this is on that secures the data stored and ensures an audit trail and log of any changes made to the documents
- For electronic evidence, the CMS should include information as to where the electronic evidence was found, as well as the time and place of storage/archival of information. The search of electronic evidence should follow the SOP dealing with IT forensics
- The CMS should be able to monitor cases on daily basis.
- Allow access to the CMS to the Under-Secretary-General of OIOS, management, investigators and administrative persons
- Ensure that the electronic CMS is accessible from the missions without delay or technical hindrances
- Ensure that persons in ID/OIOS are able to back-up the CMS and support the system 24- hours a day
- Ensure the establishment of a secure system by performing a penetration test on the system
- Develop an Internal Control Handbook for safe electronic communications within ID/OIOS
- Develop necessary databases
- Calculate statistics based on information in the CMS to be derived automatically rather than having information transferred manually into the format used for statistical reporting, which is the way statistics are currently generated

19. Ensure monthly prioritization of the case load.

20. Each document received should be recorded in the case file. The list of documents should contain a brief description which would allow supervisors/team-leaders and members of the relevant committees to understand the basics of a case upon a review of the file, as well as the ability to reconstruct the case file if any documents are subsequently removed.

21. Establish an internal information system in place such that: 1) there is always more than one person in ID/OIOS that has complete knowledge of the case; and 2) only the individuals who have complete knowledge of a case and their supervisors are the only individuals involved in the investigation activities.

22. Ensure efficient and adequate resources for support of IT as well as backup personnel to oversee electronic CMS and computer forensic tools.

23. Create an Internal Control Handbook on IT security matters including the handling of important and sensitive electronic case information. The handbook should address the handling of electronic case information in investigative work, as well as rules, regulations

and procedures to follow in order to avoid the improper distribution of electronic case file documents (e.g., via private emails, downloading to memory sticks or hard drives) in a manner that bypasses a tracking system which would also identify the user/sender of the document.

24. One objective of ID/OIOS is to establish a paper-free CMS. However, documents that are only available in electronic information form and stored as word files can easily be changed (accidentally or willfully). PDF files can also be easily deleted (accidentally or willfully). In such cases, there is no audit trail in the system to track the identity of the person making the changes in the electronic case filing system. Thus, the paperless CMS must be one that is able to counteract such activity by tracking changes and users in order to ensure the validity and reliability of the documents in the system. Until ID/OIOS is able to convert over to a reliable case management system, it is recommended that ID/OIOS maintain a hard copy/paper filing system for each and every case.

25. Until a new CMS is established for case filing, it is recommended that the following activities be enacted with a sense of urgency, in order to have the case files in accordance with the basic needs of reliability and trustworthiness in investigations:

- Complete archives of hard copy files for all cases in ID/OIOS older than 5 years
- Describe in writing any lack of information or changes made to any document that might influence the original documents of the case files
- Secure every archive in ID/OIOS by moving archives to locations inside the ID/OIOS office; also implement necessary procedures to assure security and appropriate accessibility to the archives
- Draft a written document with detailed instructions and procedures for all case file archives in ID/OIOS

26. The archive system established should have a separate classification system for certain documents. Classified documents should be kept in a separate filing compartment.

27. Only the ID/OIOS staff operating the archives should operate and assume responsibility over the archives. This means that investigators should not have open access to the archives. Archive documents should only be accessed upon request. Hard copy documents should only be removed from the archive according to a set procedure which would consist of a written and dated confirmation stating the reason for removal of documents from the archive and the individual making the request. Written demands shall be made for the return of hard copy documents to the archive.

28. Establish a formal routine for the operations of the hard copy archives for ID/OIOS.

29. Maintain and secure the archives in ID/OIOS Vienna office by moving the archives to a location in the ID/OIOS office and ensuring both security as well as access by specific individuals with appropriate authority.

30. In order to allow for a secure and reliable electronic case filing system, it is recommended that ID/OIOS:

- Delegate to Help Desk personnel or other IT staff with the requisite amount of knowledge and expertise the task of drafting a risk management review of the electronic case files in ID/OIOS. The review should include a review of the back-up of electronic case files and vulnerability of the system.
- Decide upon immediate action that is to be taken in response to the findings from the risk management review.
- Demand an immediate report from the working group on CMS of the status of the work conducted thus far and the progress planned as a result.
- Study the CMS developed in OLAF to recover information useful for the development of a CMS for ID/OIOS.

Recommendations for Objective No. 4

Be aware that the recommendations below also affect other issues in this review and thus, are not relevant for communications only. The issues are addressed below because they are relevant components of internal communication and the external communication with staff members, peacekeepers and other stakeholders and clients of ID/OIOS.

31. ID/OIOS should make efforts to build a network and relationships of trust with different agencies and programs of the Organization to enhance future dealings and be more responsive to the needs and concerns of the client.

32. Submit a communication plan to be distributed to ID/OIOS staff, all major stakeholders and clients to ID/OIOS. Define and describe the following:

- The rules and regulations of the Organization – e.g., what is an offense?
- Processes and limitations of prosecution of staff members of the Organization

33. Ensure that there is a clear and comprehensive understanding of the ways in which investigators may interact with Member states, for example, the type of information a Member state may provide to the investigators, as well as the most efficient ways to work with Member states during investigations.

34. Describe the limitations that exist in terms of access to information outside the Organization.

35. ID/OIOS must ensure that major stakeholders to ID/OIOS have knowledge and understanding as to ID/OIOS strategy, case proceedings and due process procedures followed by investigators in ID/OIOS.

36. The Organization should propose the addition of an audit clause in procurement contracts with vendors that would allow access to records and documents from vendors should ID/OIOS or audit investigations occur.

37. Develop a service statement for ID/OIOS to provide information and guarantees of the responsibilities when conducting an investigation.

38. ID/OIOS should take responsibility for any wrongdoing committed by ID/OIOS in the course of an investigation, which would include monetary compensation or restitution.

39. There is little to no contact between ID/OIOS and the other divisions within OIOS. PTF is the only unit having some regular communication with the auditors in IAD. Audit findings are evidently of important value to investigators, as they can estimate the risk with regard to violations of Organization rules and regulations, i.e., in those specific areas which have been assessed by the auditors. Information from IAD can also be of great importance to certain investigations conducted by ID/OIOS. It is recommended that Operations Managers in ID/OIOS meet with the IAD staff members responsible for IAD operations, on a monthly basis to ensure that ID/OIOS has access to information of importance, so as to prioritize cases and conduct investigations in conjunction with the relevant assessments and information provided by IAD. Communications with IAD should also include ID/OIOS updates on matters in accordance with the applicable ID/OIOS confidentiality provisions.

40. IAD and ID/OIOS should work towards building and improving their working relationship by increasing the amount of interaction and working jointly towards developing an understanding of risk issues in different areas of operations. Joint projects and training programs should be discussed in terms of future goals.

41. ID/OIOS should be able to obtain assistance from auditors in IAD in cases where audit experience is needed or in cases where an auditor has knowledge of the case and therefore should take part in the investigation. There should be arrangements in place to include auditors in the investigation of case by ID/OIOS if and when such expertise is needed.

42. ID/OIOS personnel should conduct training sessions for IAD staff in areas such as investigative practice and methods, rules and regulations, quality assurance, as well other issues that would be of importance to auditors in the Organization.

43. Develop a separate and additional internal communication plan for ID/OIOS staff that sets forth the standards and principles for internal communications, including a guideline of basic rules for regular internal meetings with supervisors and staff.

44. Identify and specify the legal and jurisdictional basis for the work of ID/OIOS. Specify these limitations. Some legal issues that may need to be addressed are:

- Who can be the subject for an ID/OIOS investigation?
- What are the rules and regulations applicable to Organization staff and military members? Where there are different rules and regulations that apply to each, explain in detail.

- Provide distinctions between Category 1 and Category 2 ID/OIOS cases.
- Which forensic tools are to be used in the investigation?
- What are the existing precedents for the different categories of cases in the Organization that are relevant for ID/OIOS (information from Conduct and Discipline Team, Joint Appeals Board, Joint Disciplinary Committee and others)?
- Address the problems and consequences of delays in investigations.
- Possibilities and restrictions for search and seizure within the Organization.
- Obtaining of information outside the Organization.
- Referral of cases – when and to whom?

45. Provide a written investigations manual of the rules and regulations of the Organization in order to ensure that all investigators understand the workings of the judicial system within the Organization, including the important limitations that apply to the conduct of investigations. Describe the procedure that is in place in the Organization with regard to investigations of violations of the rules and regulations of the Organization. The investigations manual should describe the organization structure, reporting lines, the archive system, the process for filing documents in the electronic case filing system and the duties and responsibilities of the various positions within ID/OIOS. A separate investigations manual should be created for investigations of SEA cases.

46. Create written guidelines for ID/OIOS (SOPs or to include within investigations manual) on how investigators should conduct searches and seizures of documents or other evidence during an investigation. Also include detailed instructions on the protocols involved when seizing and recording the facts of the items seized, i.e., descriptions of items seized, location of item, securing and recording item in the appropriate place.

47. ID/OIOS should hold weekly meetings via videoconference at the supervisor level. Participants to the meetings should include: the Director, Deputy Directors, all Operations Managers. Other participants to the meetings should be decided based upon the specific issues to be raised in the meetings.

48. Ensure that there are open lines of communication between investigators to enable cooperation and the sharing of work experiences.

49. ID/OIOS should have access to videoconferencing equipment that would allow for ID/OIOS personnel to communicate with one another between the different ID/OIOS offices located in New York, Europe and Africa. Investigators working on the same case but from different stations should be able to have daily contact with one another by videoconference or phone meetings.

50. There should be at least one conference each year in which all ID/OIOS investigators have the opportunity to participate. These conferences should focus on SOPs, best practices and lessons learned, etc., as a means to further inform and train investigators and ensure increased uniformity with regards to methods and proceedings.

51. In order to develop a fine-tuned communication system amongst managers, investigators and administrative staff members, ID/OIOS should create an electronic Best Practices Handbook in the Lotus Notes system.

52. Ensure that ID/OIOS investigators have clear guidelines as to the limitations of their authority and power as investigators of ID/OIOS.

53. Establish a reporting system for cases investigated - from ID/OIOS to Program Managers to Office of Human Resources Management (OHRM).

54. ID/OIOS should inform all Organization staff of their roles within the Organization.

55. Heads of affected agencies, programs and offices of the Organization should be informed of ID/OIOS investigative proceedings.

56. Establish information proceedings between ID/OIOS and the Controller that would allow and facilitate the sharing of information, lessons learned, and ways to prevent future fraud within the Organization. If ID/OIOS obtains information of ongoing fraud, such information should be given to the Controller in order to prevent further losses and immediately commence efforts to protect the vital interests of the Organization.

57. Ensure regular communications, i.e. at least quarterly meetings, between the Director of ID/OIOS and the supervisors in OHRM.

58. Define the due process requirements for internal investigations within the Organization and adopt the recommendations from the Conference of International Investigators (Annex 16).

59. Establish requirements in order to secure fairness and due process with regard to the following:

- Rights of a complainant
- Interests of the witness
- Whistleblower protections
- Rights of the subject of an investigation
- ROC
- Information (what type of information, when is it to be provided and to whom?)
- Contradictions/Inconsistencies
- Self-incrimination
- Obligations to identify the specific rules & regulation violated (specifically in misconduct cases)
- Rights of the subject to defend himself/herself
- Confidentiality provisions (to protect victims and complainants from reprisal)
- Notification of case closure to relevant individuals
- Right to re-examine
- Predictability and reliability of processes

- Ethical standards of investigation (maintaining the respect and dignity of the individual)
- Control mechanisms to ensure that the investigation is conducted according to the laws, rules and regulations existing within the framework of the Organization

60. The due process rights for the subject of an investigation should also include:

- the right to choose the language to be interviewed in (use of translator may be required). The right to be assisted by a consultant also chosen by the subject. The consultant has the right to be present during the interview but not the right to ask questions or interfere with the conduction of the interview.
- the right against self-incrimination, meaning that the subject has a right to refuse to answer questions that might incriminate himself/herself.
- the right to have the contents of any written summary or record of conversation presented to the subject orally, but will not be allowed a copy of such written statement. Any amendments or comments from the subject to the written statement should be incorporated into his/her statement.

The subject should be duly informed of the rights listed above. The subject should not be entitled to have access to any document from the case but should be given a fair opportunity to read and comment upon the final draft investigative report before such report is submitted.

61. A staff member who is the subject of an investigation should be given a reasonable amount of time in which to answer and comment upon the draft final investigative report from ID/OIOS prior to its submission to the Under-Secretary-General of OIOS.

62. When conducting an investigation where a staff member is the subject of the investigation, investigators should be able to acquire detailed knowledge and information of the subject's work and workplace, e.g., duties, responsibilities, interactions with other co-workers, office rules and regulations, procedures. One way in which this may be done, for example, may be to conduct a short term observation period of the workplace and related work offices of the subject.

63. Investigators must be professional and fair when conducting investigations. It is important to the interviewing process that the witness/subject understand and perceive that they are being treated in a manner that is fair and respectful notwithstanding the circumstances and/or allegations of wrongdoing.

Recommendations for Objective No. 5

64. Ensure that ID/OIOS investigators have the basic equipment needed for ID/OIOS investigations:

- Laptop for each investigator
- Tape recorders (voice recorders)

- Portable printers
- Digital cameras
- Computer forensic equipment
- Equipment needed for the searching and securing of fingerprints
- Equipment for obtaining DNA samples

65. Use computer forensic tools in order to take advantage of IT capabilities and direct efforts towards strengthening computer forensic skills, tools and resources generally.

66. Incorporate new computer forensic methods, tools and practices, for example:

- Complete SOP for computer forensics for stand alone PCs
- Establish templates for forms to be used for search and seizure of any electronic evidence
- Establish routines for identification, transport and storage of computer evidence
- Provide written descriptions of types of electronic evidence to be investigated (in pending as well as completed searches)
- Establish archives for original electronic evidence and copies (images)
- Strengthen skills, resources and tools on computer forensics
- Acquire the ability to conduct electronic searches of information on cell phones
- Acquire the ability to conduct searches of information on fax machines
- Use of operational analysis tools (Analyst Notebook or other tools)

67. Ensure adequate backup for the IT support personnel in ID/OIOS that oversees electronic CMS and the computer forensic tools.

68. ID/OIOS should develop, together with other investigative units within the Organization, data mining tools as fraud investigation tools, as a means to improve the capabilities for the detection of fraud.

Recommendations for Objective No. 6

69. Develop separate investigations manual and case procedure for SEA cases due to the specific and unique nature of the cases, including a reliable case categorization and prioritization system.

70. Conduct training and awareness programs aimed at prevention in the missions.

71. Delineate SEA cases to be investigated by the ID/OIOS as limited to:

- (A) rape
- (B) sex with minors (under 18 year of age)
- (C) child pornography

72. Establish a separate team within OIOS/ID responsible for SEA cases. Recruit

investigators with the appropriate skills, experience and background to deal with SEA cases.

73. Authorize the CRI to make decisions to initiate investigations of SEA cases.

74. Establish local servers for every investigation unit in the missions for the filing of SEA cases as well as other cases to be investigated.

75. Ensure there are weekly meetings between the CDT and the CRI in order to allow for the exchange of information of new cases and other SEA-related issues to be dealt with jointly, while still maintaining adherence to the confidentiality regulations of the ID/OIOS staff.

76. Establish a working group to improve the reliability of SEA case statistics, thereby allowing the ID/OIOS, CDT and the DPKO the ability to report accurate information on SEA cases generally.

Recommendations for Objective No. 7

77. At least two procurement teams should be established within ID/OIOS (to be located in New York and Europe office) to handle all procurement cases. Each team should have no more than 9 investigators staffed.

78. Recruit investigators for the procurement teams with the requisite skills, experience and background to deal with procurement matters.

79. Until ID/OIOS has a new and reliable CMS in place, PTF cases should be kept separate in PTF CMS.

80. As soon as the reintegration of PTF into ID/OIOS has occurred, ID/OIOS should implement EUREKA, i.e., the procurement fraud tool developed at Headquarters in New York, as a means to detect possible instances of wrongdoing in procurement services.

Recommendations for Objective No. 9

81. Restructure the organizational structure and reporting lines which currently exist in ID/OIOS using the proposed organizational charts as a template. (See Annexes 20 and 21). Decide and define authority and reporting lines in order to ensure efficiency and accountability.

82. Define authority and accountability within the different levels of the Organization:

- Under-Secretary-General for OIOS
- Director for ID/OIOS
- Deputy Director
- Team-Leader
- Chief Investigator

- Legal Editor
- Investigator
- Investigations Assistant

83. Develop Terms of Reference for supervisors:

- Director
- Deputy Director
- Team-leader
- Chief Investigator
- Senior Administrative Officer
- IT Assistant

84. Develop job descriptions for:

- Legal Editor
- Investigator
- Investigations Assistant
- Office Assistant

85. Separate teams or units should be created within ID/OIOS to deal with the investigation of cases involving fraud and procurement services, SEA cases and all other cases. The teams should be staffed with investigators who have a requisite amount of skill and expertise in each particular area.

86. No team in ID/OIOS should have more than 8-10 investigators. Procurement teams should therefore be divided into two procurement teams (between the New York and Europe offices). There should also be two SEA teams within ID/OIOS consisting of no more than 10 investigators.

87. In order to maximize efficiency of operations, balance out the distribution of work and foster a spirit of cooperation and teamwork, investigators with light work loads should be made available to assist other investigators within ID/OIOS when necessary. Assistance to the investigators should only engage in administrative work duties and responsibilities.

88. Establish an appropriate balance between the number of investigators in ID/OIOS that have backgrounds as lawyers and investigative law enforcement professionals.

89. The authority to make decisions that determine whether to begin an investigation should depend on the type of allegation and the category within which the case falls. Some allegations are straightforward, while others are more difficult to decide, e.g., due to the complexity of the case, issues of sensitivity, etc. Thus, such decisions should be delegated to the appropriate decision-making authority in each situation, rather than having one body making all the decisions.

90. ID/OIOS should establish an Intake Committee comprised of the Director, the two Deputy Directors and two risk assessment experts to assess, prioritize and decide upon

case intake matters, including which cases to investigate further and the distribution of cases amongst the various teams. The Intake Committee should also assess the case workload of ID/OIOS as a whole on a regular basis.

91. Restructure reporting lines to decrease the delays involved in the issuance of final investigation reports. Specifically, the reporting lines with regard to the receipt of allegations, acceptance of work plans, the preliminary investigation plan and the final investigation report, must be established so as to increase efficiency and response time, especially in instances where investigative resources are limited.

92. Decide upon the following issues:

- Who should make the determinations to open investigations?
- Who should decide upon the work plan?
- Who should decide upon the preliminary investigation plan?
- Who should decide upon final investigation report?

93. A recommended framework for reporting lines should be as follows:

4. Investigators will report directly to team-leaders
5. Team-leaders will report directly to the Deputy Directors
6. Deputy Directors report directly to the Director of OIOS

94. The Under-Secretary-General should not have any authority to instruct investigators or supervisors on peacekeeping operations or to interfere directly in any case investigated by ID/OIOS.

95. ID/OIOS should appoint one supervisor in charge of PKO.

96. There should be at least one individual within ID/OIOS to serve as a contact point for investigators to go to with regard to issues involving ethics and integrity of investigators and investigations. To avoid potential conflicts of interests, the person charged with this responsibility should not also have the position of a supervisor in ID/OIOS.

97. ID/OIOS should have at least 3 professional analysts in-house, supporting any team needing assistance conducting searches, creating charts and engaging in any other investigative analysis which requires expertise.

98. Establish at least two investigators in ID/OIOS as operative analyst managers.

99. Ensure that all ID/OIOS supervisors and investigators are accountable for their investigative work by implementing an electronic system of accountability that would track each decision and action taken during the investigation and by whom such decision or action was taken.

100. Make sure each investigation is evaluated by the investigators working on the case as well as the supervisor overseeing the same investigators.

101. Establish a standard measurement for accountability with respect to investigations that have been completed. Develop a format of describing decision-making and accountability procedures.

102. There should be an oversight mechanism in place to review the decisions made by the Director of ID/OIOS in the form of a Control Committee, to preside over the work performance of OIOS.

103. A final investigative report template should be created to serve as a guide to report writing.

104. The final investigation report should be read by each investigator on the case to review and ensure the accuracy of facts presented.

105. As a part of the final investigative report, if appropriate to the case, the investigator should provide an estimate of financial losses for the Organization. The final investigative report should contain a section which addresses the lessons learned from the investigations with regard to the future prevention of fraud, corruption, waste or abuse in the Organization.

106. Evidentiary documents should not be attached to the final investigative reports, as investigative reports from ID/OIOS should be self-explanatory on its face.

107. Presently, investigators must draft reports even where it is obvious that a case ought to be closed. ID/OIOS should concentrate and direct work efforts to cases that may lead to findings and actual results.

Recommendations for Objective No. 10

108. Replace the existing ID/OIOS Investigations Manual with an organized and comprehensive manual that provides background information on internal investigations, as well as detailed instructional rules, regulations and procedures. (See list on pp. 99-100 of this report for detailed list). The manual should be accessible both in hard-copy and electronic form and should be sufficient in order to inform and provide guidance to the following:

- Newly hired and existing ID/OIOS investigators
- Complainants, witnesses, subjects, victims, clients and stakeholders of ID/OIOS
- A newly established Control Committee
-

109. Task a Control Committee that would be tasked with the responsibility of reviewing and ensuring adherence to the policies and procedures set forth in the new ID/OIOS Investigations Manual (as well as relevant SOPs).

Recommendations for Part D

110. Establish a new unit, Investigative and Integrity Unit (IIU), within the Organization that will take over the work and replace the existing ID/OIOS. IIU should have financial and operational independence and report directly to the General Assembly and the Secretary-General only. Additionally, the IIU should be granted both investigative and prosecutorial powers, i.e., IIU should have the power to bring cases before the relevant disciplinary committees or a judicial decision-making body.

111. Establish an internal judicial system able to handle serious disciplinary matters. Decisions handed down in disciplinary cases should be appealable before a panel. There should be statutes of limitations established with regard to the time within which a case may be investigated, sanctions may be issued and decisions may be appealed. Time-limitation rules would ensure rapid disciplinary decisions as well that case loads are prioritized.

112. The organizational structure for the IIU should be:

- Geographic location of the unit:
 - HQ in New York
 - Offices in Nairobi to cover peacekeeping missions in Africa
 - Office in Geneva to cover Europe and all peacekeeping missions outside Africa

Investigators working in the missions should be placed either in the Nairobi office or in the Geneva office (family duty stations) and operate from those duty stations in the missions.

- Create a staff team that is connected directly to the Director and the Deputy Director. The staff team should consist of the following:
 - Legal advisor
 - Quality Assurance Expert
 - Trainer
 - Communications/Information Manager
- Create an organizational structure with a direct reporting line between the Director/Deputy Director and the team-leaders responsible for investigations.
- Assign team-leaders responsibility for the investigation as a whole - from the creation of a work plan to the completion of the final report – which includes supervisory roles throughout the investigation.
- Divide staff into teams which have separate areas and responsibilities upon which to focus:
 - SEA team
 - Procurement team

- Misconduct team
- Treasury team
- Advisory team
- Investigative Technique team (electronic forensics, securing evidence, charts, information database to be used in investigations)
- Administrative team
 - Administrative staff
 - Budget matters
 - IT support

113. A Control Committee comprised of at least 3 members from outside OIOS should be established to oversee both the investigators and supervisors to ensure compliance with the rules, regulations and principles set out for IIU.

114. Separation of investigators according to expertise is a necessary component in building a more effective investigative unit.

115. The management personnel of IIU should have extensive managerial and supervisory experience. An in-depth knowledge and understanding of relations-oriented leadership should be required.

116. The Director and Deputy Director of IIU would hold their positions for no more than 5 years to protect IIU from the abuse or misuse of the power inherent in those positions.

Additional Report Recommendations

The following recommendations are grouped under key areas of importance but either do not correspond to specific sections in this report or may fall into several areas of review simultaneously. Therefore, the following recommendations have been placed under general categories listed below.

Recruitment and Work Performance

117. Recruitment processes should be transparent in nature with a focus on acquiring the best qualified investigators possessing the necessary investigative background and skills.

118. ID/OIOS should recruit and maintain only qualified investigators with documented skills, training and experience to conduct ID investigations. There should be a clear set of qualifications and investigative skills required of all investigators within ID/OIOS.

119. The required skills for each investigator should include:

- Experience conducting open searches and background checks
- Interviewing skills (how and when to ask the right questions, various approaches to interview different persons in different situations)
- Tactical investigation
- Planning skills with regard to investigations
- Organization skills with regard to investigations

- Ability to lead and understand investigations in a reasonable manner
- Having a legal understanding of issues of fairness and due process in the investigation within the Organization
- Report writing skills

120. Specific requirements and qualifications should be set forth for the following positions:

- Director
- Deputy Director
- Operations Managers
- Chief Investigator
- Legal Editor
- Senior Administrative Officer
- IT Assistant
- Investigator
- Investigations Assistant
- Office Assistant

121. Investigators must have the ability, skills and experience to conduct proper internal investigations and handle difficult issues involving internal affairs. They must be able to pursue cases and present them in a way such that disciplinary issues/actions may be resolved with a certain degree of fairness and transparency.

122. ID/OIOS should seek to recruit investigators with diverse skill sets (for cases of SEA, procurement, fraud, IT, etc.) to staff the various teams under the proposed organizational structure. In doing so, ID/OIOS should develop detailed job descriptions specifically tailored for the various posts in ID/OIOS.

123. Background checks on each person employed by ID/OIOS should be performed. Additionally, as part of the recruitment procedure, former supervisors should be contacted and certificates and diplomas attached to the application should be verified.

124. Create a Human Resources plan which would include descriptions of the following:

- qualifications needed for each position in ID/OIOS
- the recruitment process
- proactive steps in order to identify qualified persons
- check-in proceedings for each position description in ID/OIOS offices
- separation proceedings
- way in which to reduce turnover rates

125. The first 6 months of the investigators contract should be recognized as a trial period for the investigator. If the investigator does not perform as expected within 3 months, there should be no extension of the contract with the Organization. An investigator with more than 6 months of experience, not performing as expected should be moved to

another investigative team. If the investigator does not show signs of improvement, a procedure should be in place that would allow for the termination of the contract with the investigator.

126. Investigators who perform well in their job duties and functions should be given increasingly more important and difficult tasks, additional responsibilities and salary increases, as deemed appropriate. Improvement and proof of good performance should work as incentives that may ultimately lead to promotions to team-leader positions.

127. Candidates interviewed for ID/OIOS investigative positions should be given tests to determine and assess their investigative skills and aptitude. One form of a test that could be given, for example, is to ask the candidate to create and present an investigation plan based on a hypothetical case in a short period of time (5-10 minutes). Inquiries should be made to verify that the candidate has the necessary experience in investigative work for the particular position.

128. Investigators should be required to meet a certain minimum standard in language comprehension and writing. If they do not meet these standards, they should be required to improve these skills through additional learning or training.

129. ID/OIOS should have career planning advisors and/or services.

Training

(Also see A/59/207 on OIOS training).

130. Investigators should undergo extensive training, especially in the areas of forensic techniques, computer information systems, rules and regulations of the Organization and SOPs.

131. Recommended structure for training programs in ID/OIOS:

A) Training for new staff members

- Introduction (1 week)
 - Welcome to the Organization
 - Practical administrative information (check-in proceedings, office information and access, database systems, housing, etc.)
 - Information on office organization and personnel
 - Practical information needed in order to begin working
 - Introducing supervisors/mentors
 - Tour of the main Organization offices with which ID/OIOS interacts
 - Meeting with the Director of ID/OIOS
 - Document folder to be provided which includes the Manual for Investigation, important General Assembly resolutions, bulletins from the Secretary General, templates for ID/OIOS investigations and other useful informational materials

B) Training for investigators

- Level 1
 - An understanding of the United Nations
 - An understanding of the aim of OIOS,
 - An understanding the ID/OIOS mandate
 - Rules and regulations applicable to ID/OIOS
 - Investigation Manual
 - Investigation process– detailed step-by-step analysis
 - SOPs
 - Best practices and lessons learned
 - Case Management System
 - Complaints and allegations – substantive and procedural
 - Predications of cases
 - Introduction to tools and techniques
 - Templates used in ID/OIOS operations

- Level 2
 - Background check and start-up procedure for case investigations
 - Investigative techniques used in different types of cases (lesson learned)
 - Planning the investigation
 - Investigative tactics
 - Report writing
 - Due process – requirements and expectations
 - Case presentation
 - Introduction - interviewing complainant, witnesses and suspects
 - Management and leadership (step 1)

- Level 3
 - Teamwork in practice
 - Planning the investigation
 - Organizing the investigation
 - Steering the investigation
 - Search and seizure of evidence in different cases
 - In depth studies of different kinds of cases – past successes and achievements
 - Specialization
 - Management and leadership (2)

C) Training for supervisors (managers) (includes self-training, role-plays and feedback from instructor):

- Planning
- Organizing
- Follow-up
- Leadership
- Different leadership approaches (relations-oriented or task-oriented)
- Understanding of the ways in which leadership influences employees (using the MTB and other tools)
- Understanding the culture of an organization and the ways in which supervisors may influence or cultivate the culture of a team or division
- Mentoring roles of supervisors
- Coaching techniques
- Dealing with conflicts in the workplace
- Governing the ID/OIOS office
- Budgetary and financial matters

D) Computer Forensic Training for resource persons in ID/OIOS on forensic tools

132. Additional training for investigators should involve both individual self-trainings, i.e., e-learning trainings, and in-person group training sessions held in one of the three offices of ID. Trainings should incorporate case studies and role-plays, emphasizing the importance of interactive exercises.

133. ID/OIOS should develop and conduct separate trainings for supervisors in order to ensure high quality management.

134. Investigators in each ID/OIOS office should have local office meetings at least every two weeks for internal trainings based upon past investigation experiences. Investigators should be strongly encouraged to contribute their own insights and experiences during these office meetings.

135. Conduct awareness and prevention trainings in other agencies, program and offices of the Organization in which ID/OIOS has investigated previous violations. The training should inform the participants of the pertinent rules and regulations of the Organization, as well as the types of violations and the risks involved in wrongdoings.

136. Each investigator should have a training schedule to inform them of the yearly trainings to be attended.

137. There should be a mentoring program to introduce new investigators to the work and expectations of ID/OIOS. ID/OIOS supervisors should assume the role of a mentor for the investigators reporting to them.

Case Investigation Procedures

138. Work towards increasing the speed at which cases are currently predicated. Decrease the amount of time it takes to assess and begin case investigations. This would also serve to ease the sense of frustration and anxiety experienced by investigators who must often wait protracted periods of time to begin investigations.

139. Ensure that the appropriate investigators provide detailed handover notes, templates and samples for new investigators starting on any investigative team in ID/OIOS.

140. Documents seized during the investigation should be kept in an orderly manner that would keep a record of the information contained in the document itself and the time and location from which the document was seized.

141. Relevant decisions from disciplinary authorities within the Organization should be catalogued and made available for investigators in electronic form.

142. Ensure direction and focus on the tactical issues of an investigation including the plan for the investigation, the gathering of important documents and evidence to be presented prior to the conducting of interviews with witnesses and/or subjects and the determination of the order in which information should be requested and obtained, in order to avoid collaboration or undue influence of witnesses and/or subjects.

143. ID/OIOS recommendations to program managers should be followed up with requests for information from the program managers as to final resolutions and actions. Presently, ID/OIOS does not receive any information regarding the outcomes of cases after submission of the report and its recommendations.

144. Work plans should address the legal issues relevant to the particular case.

145. All interviews of complainants, victims, witnesses and others should be recorded on tape, with consent of the interviewee. The software used to record interviews should allow the investigator to edit the tape in real time, i.e., as the person is speaking, in order to identify the interesting parts of the interview on record.

146. In addition to recording interviews, the investigator should write a short summary of the basic information obtained in the interview. This summary would only be read by the investigator(s) who conducted the interview, as means of recollection and clarification.

147. Develop interviewing skills and techniques including instructional techniques on conducting follow-up questions and comments. It is important to have investigators avoid rigid adherence to a detailed plan or set of questions to be posed to a witness/subject being interviewed. Investigators should acquire the ability to create a relaxed and natural demeanor to encourage and foster a sense of openness and trust between the interviewer and the interviewee to the extent possible.

Fraud Awareness and Prevention

148. Propose a fraud awareness plan which incorporates the use of the fraud management system. The plan should describe: 1) the risk for corruption, fraud, waste and abuse in the Organization by using past cases, as well as case risk assessment information; 2) rules and regulations in the Organization emphasizing the responsibilities of all staff members to prevent corruption, fraud, waste and abuse.

149. Cooperate with the Ethics office to define and set-up informational activities to prevent corruption, fraud, waste and abuse.

150. Use the procurement fraud detection program developed within the Organization to detect possible wrongdoing in procurement transactions.

151. ID/OIOS should undertake trend analyses in order to detect high risk areas. Based on these results, relevant heads of agencies, programs and offices should be apprised of this information to promote awareness and prevention of wrongdoing.

152. ID/OIOS should inform all Organization staff of their roles within the Organization and the consequences that may result for staff misconduct, corruption, fraud, waste or abuse.

Quality Assurance

153. ID/OIOS should have a quality assurance system in place.

154. All cases should be investigated with a certain level of efficiency, speed and fairness. A maximum time frame during which a case undergoes investigation by ID/OIOS should be set at six months for finalization. If ID/OIOS fails to complete investigation within the six month time frame, a formal request for permission to extend the investigative period beyond the six months should be required. The formal request should be made to a governing board or committee delegated the task of monitoring case investigations. Permission should be granted if appropriate under the circumstances but only for a three-month period per request.

155. ID/OIOS representatives should work together with OHRM to discuss how to make cases generally more consistent.

156. There should be an Intake Committee to decide which matters to investigate as well as prioritizing the caseload of ID/OIOS. (See Objective No. 9 for further details on the Intake Committee).

157. Solicit regular feedback from program managers or other clients of ID/OIOS who may also be recipients of ID/OIOS reports.

Missions-Specific Recommendations

158. All investigators in the missions should be moved to the Nairobi ID/OIOS office.

159. The electronic case management system of ID/OIOS is not does not work in most missions because it is extremely slow and inefficient. It can easily take 40 minute just to save one page in the Citrix system.

160. Administrative support in the missions, i.e. MONUC is inadequate and inefficient. Support should be provided by ID/OIOS offices, not from those in the missions.

161. Clarify the applicable rules and regulations for members and staff of peacekeeping operations.

162. ID/OIOS staff at Headquarters as well as the several offices should be sent to the missions for observation periods to contribute to a better understanding of the way in which work is carried out in the missions.

163. ID/OIOS should consider solutions with regard to the security of investigators when investigating in the missions.

164. ID/OIOS should assess trends and patterns of wrongdoings committed in the missions.

165. There should be a rotation schedule implemented for ID/OIOS investigators in the mission if the investigators are not moved to ID/OIOS Nairobi office, as suggested in the report.

166. Change the number of supervisors involved in the approval of a work plan from 5 to 1 to decrease inefficient practices that may delay investigation.

167. Set the tone from the top that focuses on a high standard of ethics and integrity for the entire ID/OIOS. Supervisors should lead by example.

168. ID/OIOS investigators should have access to each staff member's personal files. Access should be traceable by ensuring an audit trail.

169. Investigators in the missions should have access to all areas relevant to the investigation without having to ask other Organization staff members for permission to access. This is because of the risk of other staff member mapping the work done by the investigators.

170. Extension of investigators' contracts in the mission should be decided in ID/OIOS Headquarters, New York in order to avoid abuse of authority by supervisors in the mission.

171. A mission plan is needed to prepare and inform ID/OIOS investigators of the work to be done in the mission.

172. When a case is closed investigators, reports should not be overly extensive. More time should be directed towards writing final case reports where there is substantiated evidence of wrongdoing.

173. ID/OIOS should seek to reduce the amount of time taken to close cases that will not lead to any disciplinary action where allegations are unsubstantiated or false. The subject may then be cleared of any wrongdoing and Program Managers should be informed of such without undue delay.

174. ID/OIOS should seek to promote diversity and equality by appointing qualified female supervisors. Currently, there are no female supervisors in the entire division.

175. ID/OIOS should direct increased resources in getting new investigators up to speed. Presently, the time-frame for getting new investigators up to speed may be up to a year, which is both inefficient and costly. Therefore ID/OIOS should make concerted efforts to speed up the process by investing time and resources into providing appropriate trainings which would enable investigators to develop the knowledge base and skills to be utilized as an ID/OIOS investigator. As part of this process, based on positive performance, investigators should be given tasks of increasing responsibility.

176. The Director of ID/OIOS should send out a weekly bulletin to keep ID/OIOS investigators abreast of the work of ID/OIOS in its several offices.

177. Find a way to perform statistical comparison of SEA cases received by the Conduct and Disciplinary Team (CDT) and those of ID/OIOS.

178. Resolve the issue of 2 year backlog of cases to be dealt with by the Joint Disciplinary Committee in New York by developing procedures and processes that speed up the amount of time it takes for a case to proceed through the disciplinary system.

179. Local language assistance personnel in the missions should receive a higher MSA so that they may travel with investigators when needed rather than having to travel with funds borrowed from colleagues on the job.

180. Provide updated dictionaries to local language assistance personnel.

181. ID/OIOS should work towards increased interaction and stronger working relationships with IAD personnel in the missions so as to coordinate work plans if needed and to apprise one another of relevant issues.

182. Provide ID/OIOS investigators with the equipment and information for DNA tests, i.e., where DNA samples should be send for analysis, who should be responsible for payment.

183. Clarify the responsibilities and duties of the administrative staff in the missions with respect to ID/OIOS and DKPO, as currently there is a lack of understanding as to the division of work of the administrative staff.

184. Persons reviewing the draft final investigation reports should also possess the authority to approve the reports.

185. ID/OIOS investigators in the missions should be apprised of their job duties and responsibilities, as well as information with regard to terminations and/or expectations for possible work extensions. Furthermore, there should be a clear explanation as to the differences between ID/OIOS and IAD staff, e.g., why IAD are regular staff, differences in professional levels and contracts.

186. ID/OIOS should inform without undue delay all Program Managers, military police and/or all other parties conducting investigation on a given case when the case has been closed.

187. A clear and detailed job description should be provided for language assistant positions in the missions.

188. As part of their job duties and responsibilities, language assistance personnel in the missions should be required to be a part of the front office meeting locals in the mission.

189. ID/OIOS must have a formal process put into place to inform other parties involved in the mission of the cases that are undergoing investigation.

190. ID/OIOS should be aware of, and make changes in accordance with, the need for transparency, cooperation and accessibility with respect to clients in the missions.

191. ID/OIOS should provide appropriate advice and recommendations to clients who are seeking to take preventive measures in the missions.

Other Areas

192. Compose a GAP analysis, describing the gap between the expected output and feasible deliverables of ID/OIOS as of today.

193. To improve workplace efficiency in terms of optimizing the amount of time devoted to investigation activities in a given workday, ID/OIOS should require all ID/OIOS staff (supervisors, investigators, support staff) to complete a daily form describing the breakdown of work activities, e.g., traveling, administrative work, training, investigation). This activity report should be filled out in electronic form and submitted to the supervisors/team leaders on a weekly basis, e.g., each Friday afternoon.

194. It is important to understand the history of ID/OIOS in order to be able to find the best ways in which to effect needed improvements. An audit should be conducted by taking a sampling of ID/OIOS cases investigated in the past 5 years. The investigations

made by ID/OIOS should be analyzed and assessed. Examples of cases that should be assessed include the procurement cases which lead to new findings after the PTF had begun its investigations, a case in which UN peacekeepers in MUNOC were allegedly involved in a weapons trade in exchange for gold and a case in which alleged threats were made against supervisors in the Organization's Nairobi office.

195. It is important to draw upon the lessons learned from the PTF and to understand why, for example, the PTF was able to uncover major case findings which ID/OIOS had not found years before when the allegations were first received and investigated by ID/OIOS.

196. Request an investigation manual from the World Bank INT. INT's practices and procedures should be subjected to an in-depth review as a means to improve or implement procedures in ID/OIOS.

197. Recommend to OLA the establishment of a form of sanction to be imposed upon vendors involved in corruptive or fraudulent business dealings with the Organization. The sanction would prohibit any delivery of services or goods to the Organization by the vendor for a specified period of time.

198. It is of critical importance that the Director, Deputy Directors and team-leaders work closely and in cooperation with individuals in the human resources and budgeting areas of ID/OIOS.

199. ID/OIOS should create both a physical and electronic library for ID/OIOS.

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Annexes

1. General Assembly A/RES/48/218B (12 August 1994)
2. Terms of Reference
3. General Assembly A/60/901 Report of OIOS on Proposals for Strengthening OIOS (14 July 2006)
4. OLAF Manual
5. OLAF Organization Chart
6. RAP Assessment Form
7. ID/OIOS Investigations Manual
8. ICMS Cycle – Initiation Stage
9. ICMS (Screens)
10. Investigation Cycle Chart
11. Reporting Cycle Chart
12. Initiation Form
13. Draft SOPs
14. Report of OIOS on Strengthening the Investigation Functions in the UN, A/58/708 (10 February 2004)
15. Miller, Anthony J. “Legal Aspects of Stopping Sexual Exploitation and Abuse in U.N. Peacekeeping Operations.” 39 Cornell Int’l L.J. (Winter 2006).
16. Uniform Guidelines for Investigation from Conference of International Investigators
17. WFP Handbook
18. UNON SS Special Investigative Unit (Kenya) SOPs
19. Implementation Plan
20. ID/OIOS Organizational Chart (1)
21. ID/OIOS Organizational Chart (2)
22. IIU Organizational Chart