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**OFFICE OF INTERNAL OVERSIGHT SERVICES
INVESTIGATIONS DIVISION**

**REDACTED
REPORT OF INVESTIGATION**

ID CASE NOs. 0593/03

23 August 2004

**REPORT INTO DIVULGING OFFICIAL INFORMATION TO PERSONS EXTERNAL TO THE
ORGANIZATION WITHOUT AUTHORIZATION**

ID CASE No. 0593/03

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I. INTRODUCTION

1. The Investigations Division of the Office of Internal Oversight Services (OIOS) received a number of emails that were sent to persons external to the Organization. The emails alleged that there were malpractices that were committed at the Economic Commission for Africa (ECA) but no action was taken. One of the alleged authors of the said emails works at the Sustainable Development Division, ECA.

2. Consequently, an investigation was conducted that indicated that contrary to UN Rules and Regulations, a staff member communicated official UN matters without authorization to a concerned individual and other persons outside the Organization.

II. APPLICABLE LAW

3. In accordance with **Regulation 1.2 (i)** of the Staff Regulations, "Staff members shall exercise the utmost discretion with regard to all matters of official business. They shall not communicate to any Government, entity, person or any other source any information known to them by reason of their official position that they know or ought to have known has not been made public, except as appropriate in the normal course of their duties or by authorization of the Secretary-General. These obligations do not cease upon separation from service".

4. **Regulation 1.2 (e)** of the Staff Regulations provides that "By accepting appointment, staff members pledge themselves to discharge their functions and regulate their conduct with the interests of the Organization only in view. Loyalty to the aims, principles and purposes of the United Nations, as set forth in its Charter, is a fundamental obligation of all staff members by virtue of their status as international civil servants."

III. METHODOLOGY

5. OIOS investigation of this matter entailed obtaining and analyzing relevant documents and interviewing staff members

including the concerned staff member. A telephone interview was also conducted with the concerned individual.

IV. BACKGROUND INFORMATION

6. The staff member started working for ECA in October 1992 and is currently a Team Leader at the Sustainable Development Division. He is at the P5 level.

7. The concerned individual was an ECA staff member and her services with the Organization were terminated on 12 March 2002. She was at the P3 level.

V. INVESTIGATIVE DETAILS

a. Unauthorized Submission of the Minutes of the Senior Management Team (SMT) by the staff member to the concerned individual

8. On 5 August 2003, the staff member was a participant at the Senior Management Team Meeting (SMT) that was held at the Operations Room, ECA. Subsequently, on 13 August 2003, along with the other participants, he received via email the draft minutes of the meeting for his comments from Mr. Ali Todaro, Special Assistant to the Executive Secretary. In the same email, Mr. Todaro also sent to the staff member the final version of the minutes of the SMT that was convened on 29 July 2003.

9. The two SMT minutes contained matters of official UN business such as status of programmes implementation, budget, management and corporate responsibility/accountability issues, recruitment, trade, debt and food sustainability issues in Africa.

10. On 16 August 2003, through a hotmail email address, the staff member without the authorization of ECA management sent the said SMT minutes to the concerned individual. As indicated above, the concerned individual was not a staff member at the time of submission of the SMT minutes by the staff member as she had ceased working for the UN on 12 March 2002.

11. During interviews with OIOS, Mr. Todaro confirmed that he had sent through email the minutes in question to the staff

member. He also stated that the staff member was one of the participants in the SMT meeting held on 5 August 2003.

12. When he was interviewed by OIOS, the staff member was shown an email dated 16 August 2003 that he had sent to the concerned individual. He was also shown an email dated 13 August 2003 that had been sent to him and other participants by Mr. Todaro forwarding minutes of the SMT meetings that were held on 29 July and 5 August 2003. When he was asked by OIOS why he sent the minutes to the concerned individual, a person external to the Organization, his response was that he merely had sent the minutes to the concerned individual for her information. The concerned individual was asked to confirm whether she had received the said minutes but declined to answer the question.

b. Email sent to British Prime Minister with an attachment on allegations of Sexual Harassment forwarded by the staff member to the concerned individual

13. On 19 February 2003, an anonymous email was sent to the British Prime Minister, Mr. Tony Blair by "hiwot abebe". The subject of the email was "United Nations or United Devils????". The email was copied to the staff member and several other ECA and UN Headquarters officials. One of the recipients was the Executive Secretary of ECA. Attached to the email was also a document titled "Sexual Harassment".

14. The contents of the email that was addressed to Mr. Blair alleged that the Executive Secretary and his management team were involved in illegal activities at ECA. The letter alleged that the Rules and Regulations of the Organization had been violated in areas such as recruitment and that theft was rampant in ECA. The author, therefore, appealed to Mr. Blair to contact the British Permanent Representative to the UN and the Prime Minister of Ethiopia to intervene on behalf of the aggrieved victims. The letter was purported to have been written by "Women from ECA".

15. The attached document sent to Mr. Blair alleged that there were criminal activities perpetrated at ECA including acts of sexual harassment but no action was taken by the management. For instance, it was alleged that Mr. Todaro sexually abused women staff members of ECA when they approached him for assistance.

16. On 22 February 2003, the email and the attached sexual harassment allegation documents sent to Mr. Blair were forwarded by the staff member to the concerned individual through her hotmail address. When the staff member was interviewed by OIOS, he identified the email and the attachments and confirmed forwarding the same to the concerned individual. When the staff member was told that it was contrary to UN rules to communicate such matters to persons external to the Organization, he said that he was forwarding the same to the concerned individual just for her information. He added that he and the concerned individual who had worked for the UN for 30 years were fighting for justice in the UN System and should stand together including sharing of such information. Again, when she was asked whether she received emails on ECA matters from the staff member in 2003, the concerned individual refused to answer the question adding that she had ceased working for the Organization.

17. The sexual harassment allegations leveled against the management of ECA were investigated by OIOS late last year and early this year. During interviews with OIOS, Mr. Todaro denied sexually harassing women staff members at ECA as alleged in the anonymous emails. An allegation of sexual harassment made by one of the victims named in the anonymous letters was investigated. It was found that there was insufficient evidence to support the allegation of sexual harassment. (See OIOS Report of Case No.0594/03 issued on 27 July 2004)

c. Email sent to President Bush on 26 January 2003 forwarded by the staff member to the concerned individual on 27 January 2003

18. On 26 January 2003, an anonymous person, namely "Hiwot Abebe" sent an email to the President and Vice-President of the United States of America. The email was also addressed to Senator John Kerry and Senator Dodd of the United States Government. Along with other staff members, the email and the attachment were also copied to the staff member.

19. The email had an attachment that was addressed to the Executive Secretary of ECA and highlighted allegations of sexual harassment and rape perpetrated by some senior officials of ECA within the ECA Complex. The document was also copied to the Secretary-General, Ethiopian Foreign Ministry and senior officials in the UN System.

20. "Abebe's" complaint to the American Government was that the Executive Secretary, ECA had failed to take action against staff members who were alleged to have committed criminal acts such as sexual harassment of women staff members of ECA. "Abebe" was therefore appealing to the American Government to intervene on behalf of the victims. (See OIOS Report of Case No.0594/03 issued on 27 July 2004)

21. On 27 January 2003, the staff member forwarded the email and the attachment that he had received from "Abebe" to the concerned individual and a number of ECA staff members. During interviews with OIOS, The staff member was shown the email and the attachment that he forwarded to the concerned individual and others on 27 January 2003. He confirmed forwarding the same to them. He was asked whether he knew the author of the email and the attached documents and his response was that he did not know who "Abebe" was. When he was asked whether he was aware that the said "Abebe" was communicating to the American Government on ECA matters, his reply was that he had seen the contents and had decided to forward the same to the concerned individual and others for their information.

d. Email sent to a "Mr. James Bruce" by the staff member on 20 January 2003

22. On 20 January 2003, the staff member sent an email through a yahoo address to a "Mr. James Bruce" and copied the same to a number of ECA staff members. In the email, the staff member alleged that the Executive Secretary was involved in cases of serious abuses of human rights at ECA. He alleged that the Executive Secretary was inciting Ethiopian State Security to harass ECA staff members.

23. Subsequently, on 22 January 2003 the staff member sent another email to the concerned individual through her hotmail address and told her that "The auditors are here. Just remove the e-mail part so that names are not seen. I will call. Bruce is not known it is a fake name. Some of the accusations are wild and should be taken carefully."

24. When the staff member was interviewed by OIOS, he was shown the emails that he sent to "Mr. James Bruce" and the concerned individual. He was asked whether he knew "Mr. James Bruce" and his response was that he did not know the person. When asked

why he sent an email to a person whom he did not know, his response was only that the UN justice system had failed him.

e. Email with an attached "Letter to Nelson Mandela, Kofi Annan and Meles Zenawi" sent to the concerned individual by the staff member on 1 August 2003.

25. On 27 July 2003, a ten-page document, "CRY.DOC", subject - "Letter to Nelson Mandela, Kofi Annan and Meles Zenawi" was sent to several ECA staff members, including the staff member by an anonymous person, "okacha abanjo". The letter alleged in part that "the Executive Secretary has violated human rights and that his disappointing managerial performance and leadership quality has led to lack of transparency and absence of the rule of law." In the letter, it was alleged that "UNECA best brains, voices of reason and moderation are either rotting in Amoako's mental prisons or are driven out from ECA into exile".

26. The letter further alleged that the Executive Secretary is blackmailing managers and that he paid a syndicate \$20,000 to assassinate and poison certain ECA staff members. The letter stated that "One can conclude that UNECA is now turning into a thuggish little leadership enclave. ECA managers demote talented staff, discredit and rape the women". "----That UNECA managers have treated their staff with contempt, disrespect and used them to satisfy their sexual whims-----".

27. Portions of the said letter alleged that "---Mr. Amoako is currently employing ambassador's sons, daughters, wives, relatives as well as paying huge amounts of money to lobbyists who facilitate an award such as an Honorary Doctorate Degree in Addis Ababa to beat down its staff into submission and to get public respect at the expense of the victimized Africans who live like fish out of water under his administration---".

28. On 1 August 2003, the staff member submitted the letter with the "CRY.DOC" attachment to the concerned individual through her hotmail address.

f. "ECA Today" - A document dated 3 September 2003 and presented by the concerned individual to representatives of African Governments in Addis Ababa

29. The concerned individual presented an eighteen-page document titled "ECA Today - the true story of ECA today" to representatives of African Governments for submission to their home governments. The concerned individual wrote the document in September 2003, one and half years after she was separated from the Organization. She gave her address on the document.

30. In the document, the concerned individual alleged that Mr. Amoako was restructuring ECA, without ECA staff input and that he was hardly ever at the ECA in Addis Ababa. In this connection she attached a copy of an Audit of the ECA dated 25 April 1997 - Travel of the Executive Secretary. She described Mr. Amoako as a person who engages himself in double-dealings, and is arrogant, callous, cruel and intellectually dishonest.

31. Further, the concerned individual alleged that Mr. Amoako dismissed all directors of divisions and replaced them with handpicked outsiders, some of whom had police records in their home countries. She said that this was in absolute disregard of UN Rules and Regulations with the connivance of the then USG/DAM, Mr. Joseph Connor and Ms. Rafia Salim, former ASG/OHRM. She stated that Mr. K. Y. Amoako had very good reward systems for all those who are loyal to him, including promoting them to posts to which they were not entitled and other monetary incentives, including sending them on missions to cover programmes, none in which they had the expertise.

32. The concerned individual alleged that Mr. Amoako refused to fill the post of the Chief of Security because he wanted someone he could continue to use criminally to intimidate the staff and carry out other criminal activities. She stated that Mr. Amoako aspired to head the African Development Bank (ADB) so as also to bring that African institution to its knees and that he has already started promoting his image.

g. Responses by the concerned individual when interviewed by OIOS

33. When OIOS Investigators interviewed the concerned individual through telephone, she said that she had ceased working for the Organization and therefore had nothing to do with it. However, she was asked whether she received emails on ECA matters from the staff member in the year 2003 and her response was that she did not have time to answer such

questions, as she was a busy person. She further told the Investigators that the emails problem is not her problem.

34. The concerned individual was also requested to confirm whether she was the author of the document "ECA Today" that she submitted in September 2003 to Representatives of African Governments in Addis Ababa, Ethiopia. She again reiterated that she did not have time to reply to the question and asked the Investigators not to call her again in future and terminated the conversation.

h. Responses by the staff member when interviewed by OIOS

35. During interviews with OIOS on the emails he had sent, the staff member informed OIOS that he was unhappy with the management of ECA because his eight applications for promotion to the post of Director 1 were all rejected. He further said that he was fighting for the injustices caused by the management to the staff members. He said that they had formed a group whose aim is to fight the management. He alleged that the management of ECA would be happy to remove him as he was considered a hindrance to the achievement of the goals of the Executive Secretary. He alleged that the Executive Secretary brought with him the World Bank thinking to the African Development process - a view he did not share. In conclusion, he was asked whether he was aware that communication of official matters with persons outside the Organization is not allowed and he replied that he is aware that it is a contravention of the Charter of the United Nations.

VI. EVIDENCE, FINDINGS OF FACT

36. Staff **Regulation 1.2 (i)** stipulates that staff members are not allowed to communicate official information with persons outside the Organization without authorization by the Secretary General. Evidence gathered and presented in this report indicates that the staff member divulged official information without authorization to persons external to the Organization.

37. The staff member communicated official Senior Management Team Minutes to the concerned individual without authority when the latter had separated from the Organization. He did not inform ECA management about the communication, arguing that he and the concerned individual who had worked for the UN for 30

years were fighting injustices at the UN System and should stand together including sharing of official information.

38. Email messages sent to the concerned individual and other persons outside the Organization by the staff member is a contravention of the above Staff Regulation. The staff member knew that his actions were a contravention of the Staff Regulations as confirmed by his response during his interview with OIOS. He informed OIOS that he was aware that communicating official matters with persons outside the Organization is a contravention of the Charter of the United Nations.

39. Further, **Regulation 1.2 (e)** of the Staff Regulations provides that "By accepting appointment, staff members pledge themselves to discharge their functions and regulate their conduct with the interests of the Organization only in view. Loyalty to the aims, principles and purposes of the United Nations, as set forth in its Charter, is a fundamental obligation of all staff members by virtue of their status as international civil servants."

40. The staff member told OIOS that he was discontented with the managerial style of ECA. In addition, he stated that he was dissatisfied for not being promoted to a Director 1 position and therefore was a member of a group of staff members formed solely to fight the management of ECA. Emails sent to the concerned individual corroborates the evidence that the staff member failed to regulate his conduct and that he did not hold the interests of the Organization in view but was angry about not being promoted. For instance, in his email that he sent the concerned individual on 22 January 2003, the staff member gives evidence that he knew that his actions were a violation of the Staff Regulations. At the time, he told the concerned individual "The auditors are here. Just remove the e-mail part so that names are not seen. I will call. Bruce is not known it is a fake name. Some of the accusations are wild and should be taken carefully."

41. In conclusion, after the concerned individual left the Organization, she engaged herself in a smear campaign to tarnish the image and name of the Executive Secretary. This is evidenced by the document that she presented to the representatives of African Governments for submission to their home governments headlined "ECA Today - the true story of ECA today". Her action contravenes **Regulation 1.2(i)** of the Staff

Regulations that states, "Staff members shall exercise the utmost discretion with regard to all matters of official business. They shall not communicate to any Government, entity, person or any other source any information known to them by reason of their official position that they know or ought to have known has not been made public, except as appropriate in the normal course of their duties or by authorization of the Secretary-General. These obligations do not cease upon separation from service". Though she left the Organization, she had an obligation not to divulge official information without authorization.

VII. CONCLUSION

42. In light of the above findings, it is evident that the staff member contravened **Regulations 1.2 (e) and (i)** of the Staff Regulations. The staff member disseminated matters of official business that he knew were not to be made public without authorization from the Secretary-General to the concerned individual who had ceased to be a staff member and other persons external to the Organization. On her part, the concerned individual without authorization communicated official ECA matters as evidenced in the document that she presented to the representatives of African Governments for submission to their home countries. This too was a violation of **Regulation 1.2(i)** of the Staff Regulations.

VIII. RECOMMENDATIONS

Recommendation 1

43. It is recommended that appropriate action be taken against the staff member for actions which indicate violations of Staff **Regulation 1.2 (e) and (i)**; (ID Rec. No. IV03/593/01).

Recommendation 2

44. It is further recommended that the Office of Legal Affairs (OLA) consider taking appropriate action against the concerned individual including taking a civil suit for damage caused to the Organization by her smear campaign, and sending a cease and desist letter pointing out that though separated from the Organization she has an obligation not to disseminate official UN information as provided for in **Regulation 1.2(i)** of the Staff Regulations. (ID Rec. No. IV03/593/02)

