

Peter A Gallo
Index # 667815

Integrated Rebuttal
of
End-of-Cycle Appraisal for 1-Apr-2012 to 31-Mar-2013

16 July 2013

Introduction

What follows is a very considerable and quite inexcusable waste of time, effort and the financial resources of this Organisation.

The entire thing is a ridiculous exercise in pettiness and irrelevancies that could only be allowed to exist in an organisation operating without budgetary responsibility of any sort and where senior staff can operate in an atmosphere where no real accountability exists.

I joined the United Nations on 21 March 2011 when I signed a declaration committing myself to “*loyalty, discretion and conscience*” in carrying out the functions for which I was employed.

At the end of the 2011/2012 cycle, that loyalty and discretion resulted in my making what I now realise to have been a great tactical error.

At that time, Ms. Baldini was my First Reporting Officer, and I received a very poor ePAS, claiming that I “*required improvement*” in the areas of ‘Respect for Diversity’ and ‘Leadership’.

I have never accepted this. For the past 19 years I had lived in a foreign country, in a culture very alien to me, travelling and working throughout a number of other countries with significantly different cultures - and the number of people I believe I have offended on racial or cultural grounds was negligible. I may not be able to claim the number was *none*, but it was *almost* none.

As far as “leadership” was concerned, the total number of people reporting to me was - very definitely - *none*. I am still not entirely sure how I managed to fail in my leadership responsibilities, leading a team of no one, but that was the rating Ms. Baldini gave me.

Given that I was new to the organisation, had no desire to create trouble and, in any event, knew that I harboured some private disagreements with Ms. Baldini’s understanding of how an investigation ought to be conducted, I did not take action or rebut the ePAS. I now know that that was a mistake.

Still, conscious of the need for loyalty and discretion, I went along with everything asked of me, until on 28 February 2013 I was presented with a ‘Personal Improvement Plan.’ The terms of that PIP constitute the single greatest professional insult thrown at me in a hitherto unblemished professional career going back over 25 years.

At no time did I ever refuse to agree to the PIP; I only asked that I be told what I had done wrong so I could avoid repeating, and that the PIP be reasonable and that its goals be measurable.

Nobody was able to point to a single example of what I had done wrong.

That was the point at which I was forced to speak up and take steps to defend myself

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Denied any information about what I may have done wrong, I addressed the PIP on a line by line basis and on 11 March 2013 I raised a number of questions about it.

Attached at Annex A is the draft PIP sent to me on 28 February, with my responses of 11 March.

Neither my First nor my Second Reporting Officers, nor indeed anyone else, has ever been able to answer any of these questions.

There is a causal connection between the PIP and this End-of-Cycle Appraisal for 1-Apr-2012 to 31-Mar-2013. Both were written by Mr. Dzuro as my First Reporting Officer.

It is my belief that Mr. Dzuro has been personally embarrassed by a number of recent events that transpired as a consequence of the attempt to impose the PIP, namely:

- a) his inability to justify the draft PIP of 28 February,
- b) being the subject of a disciplinary complaint alleging abuse of authority and coercion in the unlawful attempt to force me to sign the PIP,
- c) being further unable to justify the second draft PIP of 18 March,
- d) being caught trying to misuse the mediation process, after first requesting mediation then refusing to actually discuss the reason why there was a disagreement in the first place, and
- e) being the subject of a request to the Director OIOS/ID on 13 May that he be removed from being my FRO for a list of reasons.

Point 4 of my email of 13 May is worth quoting in full: *“Mr. Dzuro has a conflict of interests and has failed to recuse himself. I do not believe he can act as FRO when he has a vested interest in attempting to retrospectively justify his own actions in imposing a PIP document when he has been patently unwilling or unable to explain why it was warranted in the first place. On the contrary, it is natural to expect he will use his position as FRO to find fault in anything I do. To do otherwise would be contrary to his own interests as it would undermine his own fallacious argument that the PIP was ever necessary after all.”*

That was not a conclusion I reached overnight.

First, the initial failure of either Mr. Dzuro or Ms. Baldini to give a satisfactory response to my email of 5 March 2013 at 1:59 pm, followed by - second - the failure to answer the questions about the PIP raised on 11 March 2013, and third - the extraordinary lengths to which Mr. Dzuro and Ms. Baldini have gone to avoid providing any explanation or justification for the PIP, have combined to convince me of one thing; that there never *was* any justification for it.

The reason why there was no justification for the PIP has to be because I did not actually have any significant or real “performance shortcomings.”

If no credible performance shortcomings can actually be proved, it would also mean that the attempt to impose the PIP could constitute an abuse of authority, and the pressure to sign it could constitute harassment.

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That risk being what it is, it follows that Mr. Dzuro and Ms. Baldini must - if they are to defeat those accusations – go to whatever lengths is necessary to portray my performance as failing to come up to the required standard.

A considerable amount of time has now been expended into trying to do just that, and to justify the PIP on an ex post facto basis.

Having been embarrassed by my refusal to just submit to the PIP, and further irritated by what is perceived as my obstinacy for still demanding answers to my questions about it; my FRO has now written – and my SRO has approved - my End-of-Cycle Appraisal.

This appraisal has patently been written with a view to show that everything I have done in the past 12 months has been unsatisfactory.

That is what has now resulted in me having to expend a truly *ridiculous* amount of time defending myself against this patent piece of nonsense.

All of this effort could quite easily have been avoided if Mr. Vlad Dzuro and Ms. Roberta Baldini had been prepared to explain the PIP they sent me on 28 February 2013.

This, however, is the rebuttal of my End-of-Cycle Appraisal for the year from 1 April 2012 to 31 March 2013, and it should be borne in mind that the objective here is purely to rebut that Appraisal.

This is not actually an attempt to answer the question of why, after having tried so hard to impose it, Mr. Dzuro and Ms. Baldini have been so anxious to avoid addressing the questions raised in response to their draft PIP.

Annexes Attached

Annex A: Draft PIP of 28 February 2013, alongside questions submitted on 11 March 2013.

Annex B: Annotated copy of Ms. Baldini's email of 23 August 2012

Annex C: Summary of changes made by Ms. Baldini to Draft Report in Case 0496/11.

Annex D: Summary of changes made by Ms. Baldini to Referral Memo in Case 0392/12

Annex E: Summary of changes made by Ms. Baldini to Draft Report in Case 0291/12.

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End-of-Cycle Appraisal for 1-Apr-2012 to 31-Mar-2013

The original text is retained (from the Goal Summary forwards) to provide context for my responses.

Goals Summary

Peter Gallo's Goals

a) Conduct of Investigations

Case 0115/11

On 24 October 2012, after discussion with Peter and OIOS/ID colleague Mr. Andrew Kalashnik, I instructed Andrew to review a draft of the investigation report prepared by Martha related to case 0115/11. I also instructed Peter to review 0481/11 and 0482/11 investigation reports drafted by Martha (two smaller investigation reports generated from the investigation of case 0115/11).

My recollection of events was that I was asked about what could be done to “sort out” these cases as the investigator originally assigned the cases had not completed them before resigning.

It should be noted that in September 2011, during the field assignment of case 0115/11, Peter's independence was compromised when he made a monetary donation to a witness albeit from humanitarian purposes. As a result Peter was in a possible conflict of interest position and was subsequently removed from further involvement in the investigation of this case. Peter was advised of his removal and acknowledged the fact. I considered the issue of possible conflict of interest when in October 2012 I assign the review of 0115/11 to Andrew and not to Peter.

This is a biased and edited version of events that took place **in September 2011**, outside the period of this cycle. **Is there a legitimate reason for its inclusion here?**

Mr. Dzuro is referring to an occasion when an interviewee broke down and disclosed to me, during a break in the interview, that his baby daughter had died suddenly that very morning, so I immediately terminated the interview and sent the man home.

On learning the local practice in such situations from the Deputy Chief of Staff of the Mission, and after talking to our attached (Congolese) UNV, who had previously been a schoolteacher teaching African Tribal Customs, and I decided to make a donation to the collection being taken up in the Mission.

I gave money to the UNV and asked her to make the contribution anonymously.

For whatever reason, she did not do so. Some weeks later, I received an email from the interviewee thanking me for my kindness.

It was *me* who volunteered this information and *me* who recused myself from further involvement in any future interview of the subject.

Mr. Dzuro was then involved in a second interview with the subject, who was then questioned about the donation and any relationship he may have had with me.

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I was not, however, able to find any record of the UNV being asked about her role in the matter or what my instructions had been. **Why did Mr. Dzuro not interview the UNV?**

Moreover, it is pertinent to add that upon returning to the temporary OIOS office to share the news of the termination of the interview because of the subjects tragic bereavement, the immediate and unemotional response of the ranking OIOS investigator was to enquire whether he would be returning to continue the interview the following morning.

There appears to be a double standard here, unless the UN Core Value of ‘Respect for Diversity’ – treating people with dignity and respect - does not extend to compassion for subjects caught in tragic circumstances. Mr. Dzuro wishes to drag up that incident as innuendo against me, but he is not known to have similarly taken any action against the investigator who demonstrated that quite astonishing lack of inter-personal skill.

Mr. Dzuro will be aware of the circumstances of that investigator’s departure; having spent most of his career in a QSA post, he took the opportunity to have himself appointed to the regular budget post that they vacated.

Still, this all took place outside the period of this review anyway. **Is there a legitimate reason as to why it is even included?**

On 25 October 2012, Peter produced a Note to the Case File (NtCF) related to all three cases (0115/11; 0481/11 and 0482/11). It appears that the NtCF sought to analyse legal deficiencies with the three relevant cases and to superimpose views on the way forward, but it should be noted that at no stage was Peter tasked with conducting a legal assessment of these matters. On the contrary Peter was tasked to simply review two reports (0481/11 and 0482/11) that had been already drafted by Martha and track any changes as part of a factual review. I therefore found Peter’s NtCF inappropriate particularly since:

- a) It was drafted as a subjective legal assessment of the matter, which was not requested and if/when placed in CITRIX it became subject of potential disclosure to UNDT;

With regard to alleged “concerns” about documents in CITRIX being of potential disclosure to UNDT; I will state categorically:

- 1) that I am prepared to stand by every document I have ever generated since joining OIOS,
- 2) that I personally have no concerns about any document I have ever generated being disclosed to the UNDT, and am quite prepared to appear before the Tribunal to justify them, and
- 3) that I will always be uncomfortable with the suggestion that anything done in this office not be written down because the document might then become disclosable, and
- 4) that I have serious ethical and professional concerns about the OIOS practice of only providing selective documents to ALS and not the entire case file. I

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believe the current practice whereby the Professional Practices Section submits only a sanitised “Verification Folder” violates the rights of the subject to be made aware of all of the information that was available to the investigators.

- b) Peter used incorrect terminology, such as “charges”. OIOS is a preliminary fact finding entity and OHRM/ALS is the only appropriate charging authority in the Secretariat. It is critical for OIOS Investigators to understand the difference between the roles (OIOS versus OHRM/ALS); and

Firstly, this is an irrelevance. Regardless of who actually does the charging, the investigation report would always have to support the charge.

Secondly, for the record; I am fully aware of the roles of both OIOS and OHRM/ALS. Moreover, I believe I have enough qualifications in both law *and* in the investigation of white collar crime to understand the difference between the investigatory and prosecutorial roles.

Can Mr. Dzuro explain why he finds it necessary to include his fatuous observation that I might not, in fact, understand the difference?

Does he have any evidence to suppose this affront?

I still await Mr. Dzuro’s answer to the question put to him as to what was the difference between an investigation and the examination of a witness in a judicial proceeding.

I would also still like to have a serious discussion on what actually constitutes a “fact” for the purposes of reporting misconduct. This is something that both Mr. Dzuro and Ms. Baldini have avoided even trying to explain or discuss. In an environment that relies heavily on witness interviews, I remain intellectually curious as to both their definition of what is a “fact” and how this can be determined without reference to the relative degrees of both the reliability of the source and the accuracy of the information.

Be that as it may, the previous investigator assigned to case 115/11 was of the opinion that the real estate project being investigated was a fraud because title to the land did not appear to have been transferred.

As explained my Note dated 25 October 2012, to proceed on the basis of an investigation into a fraud when there was nothing factually fraudulent would have been a waste of resources, to say nothing of an embarrassment for this office.

If Mr. Dzuro now suggests that this was a “legal analysis” – I have no recollection of him saying so at the time.

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Furthermore, if the cases were dealt with along the lines I had suggested in the memo, can anyone explain how, if that course of action was good enough to be followed at the time, it now be cited as an example of poor performance my part?

More importantly; in the course of taking over that investigation, some photographs – which were known to have been taken on a site visit – were found to be *missing from the case file*. These photographs showed the early stages of construction, and were exculpatory because they contradicted any argument that the project was entirely fraudulent.

I happened to have copies of those photographs and they were then uploaded to the case file. Mr. Dzuro was made aware of the fact that this evidence was not in the case file – but replied that they were not relevant anyway because they were of a different site.

I was on the site visit. Mr. Dzuro was not.

Could Mr. Dzuro explain why he took no action when alerted to what appeared to be the concealment of material evidence the case file?

In any other organisation, any accusation that evidence might have been concealed or manipulated would require immediate and independent investigation. I do not understand why it should be tolerated in OIOS.

- c) Peter was informed that Andrew would address report 0115/11.

These three cases arose out of the same set of facts, and are effectively three cases against three individuals engaged in a conspiracy. Regardless of whose name is on the front of the draft, the reports in case 0115/11 must be a reflection of cases 0481/11 and 0482/11 where they address the same actions.

On 24 November 2012, I reviewed a draft of the investigation report 0115/11 that Peter gave me for review. At that time I believed that, based on my instructions, the submitted document was Martha's original draft, reviewed by Andrew and subsequently peer-reviewed by Peter. I found the draft report to be sub-standard with number of flaws, which I identified and marked on the copy I received. I subsequently wrote an e-mail to Andrew criticizing what had been done with the report and I requested a meeting to discuss the issues with him.

I was absent from the office on Annual Leave from 16 November onwards, so Mr. Dzuro did not review the draft until the Saturday before I returned on Monday 26 November 2012.

My recollection is that Mr. Dzuro never actually read the whole report – which was, in any case, a **draft** - but he was extraordinarily upset over the formatting of the footnotes.

He went to great lengths to complain about documents in the footnotes being referred to by the full file name as they were stored on the CITRIX system. e.g.:

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“123 Interview John Smith 21 May 2010.pdf [Doc 123]” instead of just “Interview John Smith 21 May 2010.pdf [Doc 123]” omitting the 123 sequential number from the beginning.

This can only be described as bureaucratic pettiness that makes no real difference anyway. It serves only to create work and waste time. The report, even if all the footnotes were perfect, would then go to PPS, and PPS make a further set of changes anyway. Moreover, PPS then remove all references to the document identification number in the CITRIX system from the report before sending their final version to ALS anyway. This being so, it means that information is deliberately withheld from ALS and the UNDT.

So, if the information is withheld, I really fail to see the significance of what format it was in *before* it was withheld.

Moreover, shortly after this incident, PPS advised me that they had completed their review of the report in case 0291/12. In the CITRIX file for that case as document “127 (DRAFT) 291-12 Closure Report (Final).doc” and the format of the citations in that report includes the CITRIX case number as a prefix. This is *precisely* what caused Mr. Dzuro so much concern.

I do not understand how PPS were perfectly happy with this in case 0291/12, but Mr. Dzuro considers that when the very same thing appears in cases 0115/11 and 0482/11, it is so bad that he could not even consider the substance of the report – a report he was actually supposed to be supervising?

Be that as it may, I have no recollection of Mr. Dzuro having any substantive comments as to the investigative contents of the report, only that the formatting was not in the form that he wanted to see it.

Despite claiming to be “supervising” – Mr. Dzuro does not appear to recognise that the word “draft” indicates something being a “work in progress”.

On 26 November 2012, I met with Andrew and Peter to explain in detail what I expected to happen after I tasked them with the review of the reports.

Only at that stage I was informed that it was in fact Peter who reviewed and re-drafted 0115/11. I expressed my concerns with the arrangement that was made against the instructions I provided. I again instructed Andrew to work on case 0115/11. I informed Ms. Baldini about the issues.

What exactly is the point here? Is it actually relevant anyway? The subjects in cases 0115/11 and 0482/11 were under investigation for the same incident; it was important that the reports were essentially similar.

Can Mr. Dzuro actually point out anything that constitutes any sort of investigative “concern” in the draft?

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On 10 December 2012, I received the draft of the report 0115/11 that was prepared by Andrew. The draft met the required standard, which allowed me to pass the report to PPS for review.

Having acknowledged above that I was involved in drafting the 0115/11 report: how can Mr. Dzuro actually differentiate how much of the final version was written by me and how much was written by Andrew?

What is his point anyway?

In summary:

Investigation of 0115/11 is a case of reported serious misconduct, which had an element of potential criminal conduct. As described Peter was given instruction as to how to proceed in this investigation, but he did not follow them. The information provided above demonstrates that Peter's performance has not been satisfactory and that it requires development.

This is **innuendo**. I am still not entirely sure what I may have done wrong or what I failed to follow. Mr. Dzuro has been unable to point to anything specific.

The fact that he may have wanted cosmetic changes made to the language of the report is not doubted – but petty linguistic preferences are not the same as there being something “wrong” with the substance of the draft report.

Can Mr. Dzuro please explain – clearly and succinctly – what he means when he says that “*Peter did not follow instructions*”? **This is precisely the sort of damaging statement that causes offence.**

While the implication here is that I was at fault for somehow ignoring an (unspecified) instruction as to how to proceed in this investigation, as a point of clarification I should like to point out that by the time I was re-assigned to the case, the “investigation” phase complete, and all that was left to do was write a report. I can hardly be blamed for the poor investigation work done by the previous investigator – whose unfamiliarity with real estate transactions was such that she was unable to support her opinion that the property scheme was fundamentally fraudulent from the outset.

Even leaving that aside, can Mr. Dzuro please explain what he did to clearly inform me of what he was unsatisfied with at the time?

Cases 0430/11 and 0435/11

In April 2012, Peter was tasked to work on two cases in suspense (0435/11 with Andreea and 0430/11 on his own). Initially case 0435/11 was assigned to Andreea and case 0430/11 was assigned to Martha. As a result of Andreea's workload at the time there was an agreement between Andreea and Peter that Peter would complete 0435/11. I agreed with this arrangement.

What exactly is the point of this?

In late May or early June 2012, I met with Peter and Andreea to discuss the progress on the two cases and to provide my feedback on two NtCF produced by Peter. The meeting was concluded with an agreement that Peter will follow up

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with IAD (to get more information) and then he would re-draft the NtCF, so that they could be passed to Intake Committee for decision.

I believe that 0435/11 was the case where I made the mistake of giving Mr. Dzuro the memo on paper. That would most likely have been in late May 2012. In any event nothing happened because he appeared to have lost it. If I am at fault for anything it should include my failure to follow up with Mr. Dzuro, and expecting he would get back to me in due course.

In any event, I can only presume that Mr. Dzuro's failure to do anything for five months is of no concern but somewhere in all of this is some indication of wrongdoing on my part.

In early October 2012, I followed up with Peter on the status of the two investigations and Peter told me he could not recall the meeting we had on those cases and he also could not find the comments I provided and the notes he himself took at the time. On 5 October 2012, I checked with Andreea who confirmed that my recollection of events was accurate.

On 11 December 2012, I wrote an e-mail to Peter to provide him with my further feedback and direction on the two cases.

Why, if the Note to File on the closure of the case was dated 4 October, did Mr. Dzuro sit on it for *another* two months, till 11 December?

On 21 December 2012, rather than following my directions, Peter wrote an e-mail to me in which he argued that there was no need to follow my instructions since, according to Peter, the question for the Intake Committee was whether there was anything to actually investigate, and he understood that a NtCF was all that the Intake Committee needed. I responded to Peter explaining my position and reiterating that his task was to be focused on a factual assessment rather than on a legal analysis, which was what he had done in his NtCF. For guidance, I provided Peter with a copy of an assessment report prepared in another case, so that he could better understand the process of assessment of facts. I also explained to Peter that the title of that document was not important and that he could call it NtCF as long as it contained the relevant information for the Intake Committee.

If I understand this correctly, this is 150 words to explain that there was a question over whether or not the Intake Committee could act on something that was called "*Note to File*" rather than "*Assessment Report*"- notwithstanding Mr. Dzuro's own explanation that the title of the document was not important as long as it contained the relevant information for the Intake Committee.

What exactly is the point? There is nothing in here, or indeed anywhere, to suggest that there was any difference in the information content. It was the same information, simply presented in a different format.

Mr. Dzuro seems to imply that the Intake Committee would be unable to use the information to make a decision, not because it was denied to them but because it was in the incorrect format.

Can I please be given a copy of the ST/AI or other regulation that governs the conduct of the Intake Committee so I might see precisely what the rule is on this point?

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On 10 January 2013 Peter provided the requested assessment reports in acceptable quality.

In summary:

- As a P4 investigator, Peter should have been able to address the cases to the requisite standard expected from an investigator appointed at his level. Peter decided that his legal opinion trumps fact finding, which demonstrated a lack of good judgement. Information provided above demonstrates that Peter's performance has not been satisfactory and that it requires further development.

I find Mr. Dzuro's arrogance here to be offensive. Can Mr. Dzuro please point to the actual text of what he describes as my "legal opinion"?

Mr. Dzuro accuses me of writing "legal opinions" but, in the same context, can:

- a) put in writing what *he assumes* I had decided, and
- b) make the quite illogical, unfounded and purely subjective assertion that this somehow reflects "*a lack of good judgement*" on my part.

Can Mr. Dzuro explain where he derives his ability to make determinations about my judgement?

Mr. Dzuro appears to be attempting to deal with the dilemma posed by my questions (in Annex A) about precisely how "judgement" could be assessed or how improvements in "judgement" might be objectively measured.

No answer to that question has ever been forthcoming.

Case 0496/11

On 25 September 2012 Peter submitted to Ms. Baldini a draft of Investigator's Work Plan related to case 0496/11. The Plan was poorly drafted with a number of issues that needed clarification. On 8 October 2012, Ms. Baldini met with Peter and discussed with him the way forward, clarifying a number of issues, which included focusing the investigation. Ms. Baldini provided Peter with her hand-written comments on the drafted Work Plan.

496/11 was an interesting case. It was, I believe, just about the only Insurance Fraud Working Group case which actually resulted in an investigation report.

Mr. Dzuro states that the Work Plan was "*poorly drafted with a number of issues that needed clarification.*"

I dispute this. Ms. Baldini made the following annotations to the Work Plan:

- 1) That the relevant ST/AI relating to the Insurance plan be mentioned under 'Applicable Legal Norms' (*This was accepted as a good point.*)

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- 2) That in addition to be Implicated Staff member being identified by name and Index number, that it be written that she was posted to UNMIL. (*If necessary at all, this is hardly a major improvement*”.)
- 3) Ms. Baldini queried why I should want the Staff member’s phone records. *These may have been useful in establishing that she had been in communication with the pharmacies or other parties in Jordan.*)
- 4) Ms. Baldini objected to my proposal that the investigation be conducted in two stages. (*This would have involved interviewing the subject twice rather than once, and was proposed to maximise the chances of an admission of wrongdoing.*)
- 5) Ms. Baldini’s annotations appear to suggest that questions designed to confront the Subject with her own contradictions should somehow be either a new case or the subject of an Advisory report. (*I simply fail to see the logic in this.*)
- 6) Ms. Baldini objected the Work Plan including the possibility of sending the Chief Resident Investigator from UNIFIL to Amman, Jordan to conduct interviews. (*Notwithstanding the fact that a large number of investigators from New York, Vienna and Nairobi were sent to Lebanon, at enormous cost to the Organisation.*)

Can Mr. Dzuro please explain how this can seriously be described as “*poorly drafted with a number of issues that needed clarification*”?

Moreover, if the Work Plan was so seriously wrong; can Mr. Dzuro explain:

- 1) what action he took – as a responsible supervisor - to ensure the situation was remedied, and
- 2) what bearing this allegedly “poorly drafted” Work Plan may have had on the conduct of the investigation?

Notwithstanding the discussion Peter had with Ms. Baldini on 8 October 2012, on 14 January 2013, Peter wrote me an e-mail regarding the scope of case 0496/11. The information Peter provided demonstrated not only his limited understanding of what OIOS does, but it also highlighted Peter’s inability to provide a focussed and factual investigation plan utilizing clear and precise language. I discussed the e-mail with Ms. Baldini and we subsequently had a meeting with Peter outlining the direction the case should take.

I take great offence at Mr. Dzuro’s insulting comment suggesting I have a “*limited understanding of what OIOS does*”.

Mr. Dzuro has been embarrassed over his inability to answer any of the questions in Annex A. To now make such a subjective remark in an End-of-Cycle Appraisal is, I believe, indicative of prejudice and malice, to say nothing of retaliation.

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The e-mail which Mr. Dzuro refers to, which I wrote on 14 January 2013 related to whether, within the scope of an administrative investigation, OIOS would be justified in reaching out to a witness (named by the subject) for the purpose of collecting information which would provide the Jordanian authorities with contact details for a witness they could interview in relation to a criminal offence that took place within their jurisdiction. To be doing this, OIOS would be acting in the knowledge that by the time the information was made available to the Jordanian authorities, the alleged perpetrator of the fraud was no longer likely to be resident in Jordan.

I am not aware of anything in the OIOS mandate which precludes OIOS/ID taking action where criminal activity or further misconduct is identified, and referring it to the appropriate local Law Enforcement Agencies or by investigating it ourselves, as appropriate.

Ms. Baldini objected to even referring the allegations of such wrongdoing back to the Intake Committee and insisted on that no action be taken. **This means that OIOS is complicit in concealing criminal offences from relevant law enforcement authorities in UN member states.**

I find it odd that this is now being presented as some sort of ignorance on my part.

Mr. Dzuro's replied to my email; to say that he would not reply in writing, and in any event, to refer the matter to Ms. Baldini. At no time did he record any concern over my (alleged) ignorance of international liaison in law enforcement matters or my understanding of the UN Convention on Privileges and Immunities.

To now attempt to cite that email as evidence of any inability on my part to conduct a "*focussed and factual investigation plan utilizing clear and precise language*" is patent nonsense. It is unfounded, it is malicious and it is insulting.

Mr. Dzuro's comments are, however, indicative of a personal interest in somehow portraying me in a negative light in order to justify the PIP attached at Annex A, precisely as I suggested would happen in para 4 of my email to the Director OIOS/ID on 13 May 2013, and on which no action was taken.

Ms. Baldini has a history of refusal to act on the identification of criminal activity. When presented with evidence of a very significant money laundering activity, was more concerned with the punctuation in a Note to File and declined to even consider referring the underlying criminal activity to local law enforcement.

I actually have no recollection of Mr. Dzuro having any significant involvement in the management of case 0496/11 but if he wishes to claim responsibility for it; it would be churlish of me to dispute it.

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In this case, within the narrowly defined scope of case 0496/11, technically the organisation suffered no loss. When the staff member was challenged on US\$28,000 worth of suspicious claims, she made almost immediate restitution of the amount.

However, the case involved claims made by the staff member for medication for her husband who had allegedly had a kidney transplant. Information which she volunteered during the course of the interview, backed up by independent investigation of the levels of fees charged by that hospital, indicated that the operation the husband had undergone was not a kidney transplant at all.

This cast doubt on some of the documents from the hospital, one of whose staff then appeared to be a co-conspirator in a fraud.

Moreover, the risk is clearly that the organisation may have suffered other unquantified losses.

When I drew Ms. Baldini's attention to this information, she refused to even consider referring the matter back to the Intake Committee. She was not interested in expanding the remit of the case to investigate prior medical insurance claims that were not known to VBI.

Leave records from the Mission showed the staff member was absent on certified sick leave for a period of some 4 months. Information from the subject during her interview, combined with the known expense claims made on the MIP, indicated that the Staff Member was not sick herself but had taken leave in order to care for a family member. Quite apart from being a breach of the Staff Rules, there was information that cast doubts on the veracity of the alleged sickness of the family member.

When I drew Ms. Baldini's attention to this information, she again refused to even consider referring the matter back to the Intake Committee to expand the remit of the case to include the investigation of abuse of the Sick Leave provisions.

Mr. Dzuro suggests I have a "*limited understanding of what OIOS does*" – inasmuch as OIOS manifestly fails to pursue wrongdoing by Staff Members and has no interest in recovering financial losses suffered by the Organisation; it is entirely possible he has a point.

Notwithstanding our efforts, Peter produced a draft investigation report and provided it to me on 8 February 2013, his last day before annual leave. Peter acknowledged that he did not give the draft report to his team member, Mr. Lee Moreton for peer review, even though I had instructed him to do it before he submitted it to me. Peter explained that he had forgotten to do it.

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On 8 February 2013, I was in Edinburgh, Scotland. This date happens to be my father's birthday and I recall I was at home with him on that day.

Be that as it may, my recollection is that Lee Moreton's name did not even come up in connection with this case until after I returned from leave on 19 February. I do not believe I was asked to give it to him before I left. I can find no email to this effect and recall no such verbal instruction. The only involvement I believe I ever had with Lee Moreton on this case was on 20 February.

I have no recollection of being asked to submit the draft report to Lee Moreton prior to giving it to Mr. Dzuro. In any case, I am confident that I had earlier asked *another* investigator to review it anyway.

I still do not understand why Mr. Dzuro needed to have somebody else review it before he looked at it himself.

If Mr. Dzuro were to review a draft that had been prepared by me alone, he would at least know he was looking at something I had written. If he looks at something that he has insisted that someone else look at first, I am not entirely sure how he knows which aspects of it are mine and which can be attributed to somebody else.

This strikes me as an unusual way for any supervisor to actually supervise.

I read Peter's draft and found a number of issues that needed to be addressed particularly related to the factual content, but also to the presentation of evidence, lack of clarity and overall drafting.

Can Mr. Dzuro provide a copy of the draft he is referring to, and highlight what he considered questionable about:

- a) the factual content,
- b) the presentation of evidence,
- c) any lack of clarity and
- d) "overall drafting"? – *whatever that actually means.*

Moreover, if Mr. Dzuro did in fact have such concerns about the draft, can he explain why he passed it to Lee Moreton to correct rather than simply make the corrections himself?

On 14 February 2013, I passed the draft to Lee for his peer review. I subsequently had discussion with Lee on what I expected from him with regard to the peer review. On 20 February 2013 I received feedback from Lee on the quality of Peter's draft. Lee reported that he had found the draft not to be factual in part and that it contained a lot of conjecture and supposition. Lee also indicated that the draft report needed to be shortened significantly and it was below standard for final submission to me.

I continue to be slightly confused as to:

- 1) what exactly Mr. Dzuro considers the "standard" of a DRAFT document,

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- 2) how Mr. Dzuro can actually *supervise* anything if he fails to communicate the definition of the standard to be met,
- 3) how anyone is expected to get a draft report to this magical level of being “good enough” for Mr. Dzuro to actually spend time reading, if he will not actually take an interest in its progress, and
- 4) why Mr Dzuro should have failed to have let me know any of this before?

I strongly resent the implication that there was any “conjecture”. This is simply innuendo; which I consider particularly inappropriate coming from someone who holds himself out to be a Senior Investigator.

I had been absent from Wednesday 6 February, Mr. Dzuro is referring to the draft dated 1 February 2013. Mr. Dzuro has failed to point out that that draft was clearly marked, on the front page, with a bold notice which read: **“NOTE: This draft contains a lot of material which may not fall within the definition of what is considered strictly ‘fact’ but is included for reasons of showing Intent to Defraud and to assess the Credibility of the subject – hence requirement to edit.”**

The reason for this, curiously enough, was not so much that I was concerned about what might or might not constitute a “fact” as much as it is evidence of my going to extraordinary lengths in an attempt to comply with the directions to focus on “*nothing but facts*” given at the mid-term meeting with Ms. Baldini and Mr. Dzuro on 23 August 2012.

I am not entirely sure how if Mr. Dzuro considers something with the words **“hence requirement to edit”** emblazoned on the front to be a final version.

Finally, given that this report was finalised just days before the 28 February draft of the PIP; can Mr Dzuro explain why he could not immediately cite this as an example of my alleged wrongdoing when first asked? This should have been fresh in his mind when he drafted the PIP. Why did it take him *four months* to raise this?

I instructed Lee to talk to Peter as a colleague and explain to him the problems he had identified and also to help Peter to finalize the draft to an acceptable standard. I also requested Lee to provide me with feedback on the discussion he had with Peter.

Lee informed me that Peter had explained that some of the aspects in the report were included to provide context to the allegations. Lee told Peter that the report has to be factual and the aspects included has to be relevant. Peter agreed that the report had to be re-drafted. Lee offered to go over the new draft when ready, but Peter never came back to Lee for further peer consultations and instead he submitted the report to me.

Lee Moreton was certainly given the report to revise, this may have been done when I was on leave but I have no recollection of Lee Moreton’s name coming up in connection with that report prior to my departure.

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Mr. Dzuro does not explain why he gave the report to Lee Moreton rather than just review it himself.

Again Mr. Dzuro has put in writing that I “*had to be told*” that a report has to be factual and the aspects included has to be relevant. This is insulting, as well as being hearsay.

Would Mr. Dzuro care to offer a suggestion as to how it was possible that I could earn a living for 18 years as an investigator in the private sector – with absolutely no job security of any sort - and not actually know this?

I do not know how many times Mr. Dzuro expects a draft report to be revised and re-revised before he, in his role as 'supervisor' sees it himself.

In the end, I agreed to make whatever changes Lee Moreton suggested because it was not worth an argument and it was the only way to get the thing finished.

I had a subsequent discussion with Peter on the relevant issues including the accuracy and relevance of the text he included in his draft. As a result, on 22 February 2013 Peter provided me with his new draft. After my review I passed the draft to Ms. Baldini.

I have absolutely **no** recollection of any verbal communication about the accuracy of anything in this report. I am, however, prepared to defend what I consider the relevance of anything in the draft.

Can Mr. Dzuro actually highlight precisely what he is referring to?

On 25 February 2013 Ms. Baldini returned the draft to Peter so that he could re-address the issues she had identified. On 27 February 2013 Peter provided his new draft.

The changes made in the draft were returned by Ms. Baldini on 25 February 2013 (attached to email time-stamped 4:19 pm on that day) were **almost entirely matters of personal style.**

None of the changes made by Ms. Baldini made ANY factual or even grammatical difference whatsoever.

The suggestion that somehow Ms. Baldini corrected or even “improved” the report in any way is entirely subjective. It was an exercise in making minor and unnecessary changes that had no bearing on the content. None of those changes can be considered material, none indicated any vulnerability in the report and none affected the substance of the report.

What happens in this office is that I write “*There was a blue sky*” and Ms. Baldini thinks it should read “*The sky was blue.*” This is a cosmetic change. The only purpose of all these changes is to waste time and effort, before the report is sent to PPS - *who will then change it all anyway.*

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The alleged “issues” highlighted by Ms. Baldini deserve closer examination. These are addressed at **Annex C**.

This is the report which Mr. Dzuro claims “*demonstrated not only his limited understanding of what OIOS does*” and “*highlighted (my) inability to provide a focussed and factual investigation plan utilizing clear and precise language.*”

- Mr. Dzuro refers to a draft, not just an ordinary draft but a draft marked “**NOTE: This draft contains a lot of material which may not fall within the definition of what is considered strictly ‘fact’ but is included for reasons of showing Intent to Defraud and to assess the Credibility of the subject – hence requirement to edit.**” Moreover, this marking was made specifically because of the August 23 meeting (see Annex B) and to avoid any chance of the draft being misconstrued as anything other than a draft to be reviewed.
- Mr. Dzuro conveniently fails to establish that he provided any actual contribution or supervision on the case. His major contributions were:
 - a) to avoid answering a question about interviewing a named witness, and
 - b) to ask Lee Moreton to review a draft that was clearly marked as a draft “to be reviewed.”
- The alleged “issues” which Ms. Baldini pointed out amount to an exercise in making minor and unnecessary cosmetic changes. Ms. Baldini had no comment of any substance on the actual investigation and did not even refer to the footnotes in the report.
- Ms. Baldini is on record as having refused to investigate further two further cases of misconduct by the same subject in this case.

In summary, therefore, Mr. Dzuro did hardly anything and there were never any real “issues” addressed by Ms. Baldini.

Taking into consideration that 0496/11 was investigated in conjunction with a number of medical insurance fraud cases (investigations coordinated by Mr. Youssou Ndiaye) Peter’s final draft was passed to Youssou for his final review. Having completed the review Youssou informed Ms. Baldini and me that comments he provided in Peter’s draft report were aimed to clarify certain statements and to align Peter’s draft to the templates designed for all insurance fraud cases investigated in this group. Youssou also indicated that among other issues he brought up he found that the findings presented by Peter did not outline the facts on which they were based. I therefore returned the report to Peter so that he could finalize it.

Can Mr. Dzuro please explain why – if this report had to be passed to Youssou N’Diaye for him to edit, he bothered to give it to Lee Moreton in the first place?

Can Ms. Baldini explain why the report was not simply passed to Youssou N’Diaye before she wasted time reviewing it herself?

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Can anyone explain why the only investigation which actually proved wrongdoing by a Staff Member report should have to be re-written so it “matches” over FIFTY closure reports which:

- a) were part of an entirely unrelated fraud syndicate, and**
- b) were written in the full knowledge that the chances of any individual one of them ever being read were, at best, negligible?**

For the record, Youssou N’Diaye did then go over the report, making more suggestions. The report was then passed back to me again, after two months, to make MORE subjective and stylistic changes.

The subject in this case retired from the UN in June 2013. The only thing that was achieved by all this spectacular time-wasting was to ensure that she had retired before ALS would even begin to consider taking action against her.

In summary:

- Information provided above demonstrates that Peter’s performance has not been satisfactory and that it requires development.

On the contrary, my summary is that this Office first wasted a very considerable amount of time and budget on the IFWG cases, relied on uncorroborated statements from a co-conspirator and – hardly surprisingly - failed to establish fraud against any of the subjects, then continued to waste even more time and money writing wholly unnecessary individual Closure Reports.

Then, instead of then embracing one of the only cases where a case of fraud could be established, and for reasons I cannot explain, Ms. Baldini refused to even consider investigating credible information to the effect that:

- a) the Organisation had suffered a greater financial loss than had been identified by VBI and
- b) that the subject of the investigation may also have fraudulently claimed Sick Leave to which she was not entitled.

To try to frame this as indicative of my being unable to conduct an investigation is farcical in the extreme.

That neither Mr. Dzuro nor Ms Baldini appear to be capable of differentiating between unnecessary cosmetic changes and fundamental flaws in the presentation of evidence (*always assuming that even ever existed*) is indicative of very serious management failings in this office.

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b) Case Management

Case 0340/12

On 28 August 2012 Peter wrote me an e-mail related to case 0340/12 seeking my direction. I checked CITRIX to familiarise myself with the case, but I found that CITRIX did not contain the case file. I wrote to Peter pointing out the case filing issues. On 29 August 2012, Peter acknowledged the problem, apologized for it and uploaded the case file. I then reviewed the case and provided my direction.

What exactly is the point here?

Case 0143/13

On 21 March 2013 Intake Committee decided to refer the case to UN Procurement Division. On 25 March 2013 the case was assigned to Peter. On 15 April 2013 Ms. Baldini found out that Peter did not create a case file in CITRIX that contained all relevant documents. On 16 April 2013 Peter acknowledged that the case related documents had not been uploaded, he subsequently created the file and apologized for his oversight.

This paragraph is nothing but innuendo; and most of it falls outside the 2012-2013 Cycle.

I was allocated the case on 25 March and the Cycle ends on 31 March, by which date, while there is nothing mentioned about what work I might have done, I had clearly not uploaded anything from my desktop computer to the Citrix system.

The only thing that it would be appropriate to comment on is that this was not done in the first six days of being assigned the case.

Why is this case even included in the cycle for the year ending 31 March?

The case related to an anonymous complaint emailed to the OIOS Hotline, for which the ID Intake Committee decided a 'Referral A' was appropriate. The matter was then referred to me to draft a standard letter using a standard template, with text lifted direct from the information about the case that somebody else had already entered into the ICMS system. It is a purely clerical task given to professional staff for no reason I can see other than to waste time.

When it was later pointed out that I had not uploaded the files, I immediately did so, and took responsibility for not having done so sooner. **Is this not called *accountability*?**

While Mr. Dzuro feels the clerical aspects of this are of sufficient importance to be included as indicative of my alleged failures as an investigator – he does not say about the actual substantive content of the directory.

What exactly is the point here?

Case 0392/12

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On 16 August 2012 Peter was assigned a Referral B (case 0392/12). However, Peter did not create a CITRIX case folder to file all relevant documents. After I learned about the problem I brought it to Peter's attention by e-mail dated 24 April 2013).

Peter responded on 1 May 2013 stating: "The only record I could find of this case was on a USB drive. I am sure there was a hard copy of the draft referral notice, as well as Note to File printed out but I have been unable to find the hard copies and do not recall what I may have been done with them. Regardless of the merits of the allegation, there was an unanswered question over the appropriate addressee, which I can only imagine I was probably trying to resolve at the time. In any event, if appears the memo was not completed for that reason. I am looking into the appropriate recipient, but have uploaded the file to Citrix".

Again, a referral B is a clerical exercise which, in any other environment, would be handled by clerical staff, but which in OIOS is given to professional staff for them to waste time on.

This Referral was based on an anonymous complaint which, upon reflection, I came to believe had no substance.

The validity of the complaint appeared to depend on what the complainant thought the UN *might not have known* about the vehicles being a new model. Even if the vehicles were new, however, it is difficult to see precisely what the problem would be.

I have no idea why the Intake Committee would take this seriously – which is probably what I wanted to discuss with somebody, but I cannot prove it. Can Mr. Dzuro exclude the possibility that I approached him about the matter in August 2012 and that he failed to get back to me?

The changes made by Ms. Baldini to the draft Referral letter is indicative of the unnecessary micro-management which is now being used to allege that my work somehow fails to meet the required standards.

These are explained in **Annex D**.

As originally drafted, the Referral Memo contained the material information in 146 words. Ms. Baldini managed to find seven things to comment on or change; including the name of the company which was correct before she changed it into something incorrect.

None of the other textual changes can seriously be considered as having "improved" the document in any material way. The document was a covering note; the purpose of which was to draw attention to the other documents attached.

The document did not serve any legally significant purpose; the same effect could actually be achieved with a yellow sticky note and the words "*Please see this.*"

This is, in any event, another example of Ms. Baldini creating more work by her "corrections" than existed in the first place. Rather than just make the corrections

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herself, Ms. Baldini sent back to me, so I waste even more time instead of just making the corrections and sending it out.

I was employed as an Investigator. Being unable to find fault with my abilities as an Investigator, I find it risible that Mr. Dzuro should go to such lengths to find fault with such petty and minor pieces of clerical work.

I then checked the CITRIX file Peter created. I found that the document register did not contain information as to who had placed the documents in the case file and the date when the documents were filed. This information is important for good record keeping and Peter should have known it after more than two years with OIOS/ID. I instructed Peter to correct the document register and to prepare the referral.

This is all about my failure to write my name and the date on a Document Register which contains a total of **five** documents, one of which is the Document Register itself and another of which is clearly identified as being an email from Mr. Dzuro to me.

I appreciate that not everyone is blessed with an inordinate amount of common sense but, with the partial amount of information that exists on the Document Register, even the dimmest investigator in the world should be able to guess that either Mr Dzuro or myself *probably* had something to do with the case.

In any event, this was a Referral B, with only 5 documents in the file. I am not entirely sure what the great importance of the Document Register in this specific case would even be, or why it was of such importance that Mr. Dzuro considers it necessary to include this in an End-of-Cycle Review.

This is petty in the extreme.

Case 0291/12

Peter drafted investigation report, which was reviewed by Ms. Baldini and sent to PPS for review. On 4 March 2013, PPS informed Ms. Baldini that the review was completed, but that they found that the CITRIX file did not contain the transmittal memorandum. Ms. Baldini inquired with Peter about the memorandum and he responded on 4 March 2013 acknowledging that he should have created a verification folder and drafted a transmittal memorandum before submitting the case to PPS. Peter stated that it was his oversight and that the transmittal memorandum had been meanwhile drafted by the Assistant to the Principal Deputy Director.

It does indeed appears that I failed to draft a preformed transmittal memo – something which, in any other organisation would be done by the most junior clerical staff rather than a P-4 level Professional Staff member.

I note that this was only brought to light after the review of the report was completed by PPS. This means that Ms. Baldini failed to notice that the cover memo was missing when the report went to PPS.

If “Teamwork” is, in fact, a Core Competency in this organisation – is any consideration given to the person in PPS who reviewed the report then also failed to draft the cover memo? Instead of simply spending a couple of minutes on it,

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PPS informed Ms. Baldini that it was missing and Ms. Baldini informed me – and in the time it took me to look up the name of the appropriate addressee - the Admin Assistant did the job. It cannot have taken her much more than 5 minutes.

If Mr. Dzuro seriously believes this is of sufficient importance to be cited as indicative of my poor performance as a Case Manager, I have to disagree.

291/12 was an interesting case to bring up as somehow indicative of any failure on my part. This was a case of retaliation referred by the Ethics Office. The investigation was carried out under ST/SGB/2005/21, under which OIOS has 120 days to complete the investigation.

The case was referred to OIOS by the Ethics Office on 15 June 2012. It took 5 days for the case to be assigned to Unit 5 and another 9 days for the case to be assigned to me.

I then completed the investigation in 42 working days. The first draft of the report was completed on 30 August, then after revision and peer review, the draft report was uploaded to CITRIX and passed to Ms. Baldini on 5 September 2012.

The extent of Ms. Baldini's involvement with the report merits closer examination, her changes and comments are attached at **Annex E**.

These are mostly very minor editorial changes, made for no reason other than stylistic preference. **Absolutely none of them impact on the conduct of the investigation in any way.** Still, it took Ms. Baldini 17 days to produce these comments and that was in a case that had to be completed within a tight statutory time frame.

The report was returned to me on 27 September. The cosmetic changes were duly made and the report was submitted to PPS the following day.

73 working days, or 105 calendar days had now passed since the case was referred to OIOS. There was adequate time for PPS to review the case and my email to Suzette Schultz of 28 September 2012 clearly drew her attention to the 120 day time limit.

PPS, however, despite being fully aware of the time constraint, took **fully 115 more working days** to review the report, eventually returning it on 1 March 2013.

PPS returned it, of course, with the observation that there was no cover memo; and this is what Mr. Dzuro considers poor case management on my part?

This is patently ridiculous.

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As an aside, when the review of the report in 291/12 was completed by PPS and their final version uploaded to CITRIX as document 127; “127 (DRAFT) 291-12 Closure Report (Final).doc” I was mildly amused to see that it still contained citations cited complete with their Citrix sequential number. It was the inclusion of citations in this form that caused Mr. Dzuro so much concern in cases 115/11 and 482/11.

How is it possible that PPS were perfectly happy with this in case, but Mr. Dzuro considers that when the very same thing appears in a case he is supposed to be supervising, it is so bad that he could not even bring himself to consider the substance of the report?

Update of the information in ices regarding the case status

On 6 February 2013 I wrote an e-mail to the investigators under my supervision, including Peter, stating the following: “It appears that some of the cases assigned to you (or at least to some of you) might be finalized, but they are still opened in ices”. Peter did not respond to my e-mail and therefore on 22 March 2013 I followed up with another email stating: “I have been informed that USG/OIOS is inquiring on aging of OIOS/ID caseload and ID management was requested to prepare an up-to-date list of backlog cases. In order to keep our records up to date, can you provide me with a list of cases assigned to you in ices (investigations and suspended) and short description as to what is the current status of the cases. All the cases where reports have been issued need to be closed in ices. I would like to get this update as soon as possible, but not later than 28 March 2013.”

What is the point of this?

I failed to stop the investigation work that I was doing in order to request formal closure of cases on the computer system; another admin task that could (and in any other budget-conscious organisation *would*) be done by admin support staff.

This is what I call “prioritisation” – a management skill not entirely unusual in the private sector. Indeed, if you refer to the booklet on the UN ‘Core Competency’ of ‘Planning & Organising’ you will find Bullet Point #2 reads “*identifies priority activities and assignments; adjusts priorities as required.*”

Is Mr. Dzuro seriously trying to suggest that my decision to put investigation work ahead of admin details is something deserving of criticism?

Can Mr. Dzuro explain why, if he was so concerned about my alleged failings in respect of keeping the ICMS system updated, there was absolutely no mention of this in any of the three drafts of the PIP which he drafted?

This could even be indicative of the fact that, unable to justify anything in the PIP, Mr. Dzuro then went through absolutely everything I have done for the past 12 months desperately looking for the smallest thing he could find fault with.

I checked the iCMS records and found that a number of other cases were assigned to Peter, but he did not provide me with update on: 0061/11; 0573/11; 0572/11; 0562/11; 0561/11; 0560/11; 0559/11; 0558/11; 0151/11; 0148/11; and 0291/12. At the same time some of the cases Peter indicated he handled were not assigned to him as the first

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investigator (0115/11; 0481/11). I also found out that the case 0291/11 that Peter referred to in his e-mail was assigned to Ms. Pamela Nkonge, a Nairobi colleague.

Was I ever specifically asked for an update on 0061/11; 0573/11; 0572/11; 0562/11; 0561/11; 0560/11; 0559/11; 0558/11; 0151/11; 0148/11; and 0291/12 or was I just asked for an update on what I was working on?

If the iCMS system has not been kept fully up-to-date, it is entirely possible that the reason for that was because priority was given to investigation work.

I find it mildly bizarre that Mr. Dzuro first has to complain that I failed to provide him with an update on case 0291/12, then makes reference to my having described it as case 0291/11. While I do agree that adds to the unnecessary verbosity of his alleged “complaints” about my performance, is it not patently obvious that there may have been a typo here?

Never having been to secretarial college, and being an entirely self-taught two-finger typist, I have never denied that I make the occasional typo.

What exactly is Mr. Dzuro’s point here?

Therefore on 5 April 2013 I clarified these issues with Peter by e-mail. Peter responded to my e-mail on the same day with apologies “for any loose ends” providing the update on the cases I listed in my e-mail.

I apologised for loose ends. Should anyone refer to the UN Core Competency of ‘Accountability’ – the last bullet point reads “*Takes personal responsibility for his/her own shortcomings*”. In this case, as there may have been some “loose ends” and these were my fault – I apologised for them., i.e. *I took personal responsibility for my own shortcomings*.

This is patently not a common occurrence in this office, so I must make allowance for Mr. Dzuro not being familiar with the practice.

I am not exactly sure why this paragraph is included or what the point is.

Given that Mr. Dzuro himself took two weeks (22 March to 5 April) to follow up with this, I cannot believe it was of great importance. Does Mr. Dzuro seriously hold this to be an example of my performance being so unsatisfactory that it requires development?

It transpired that some of the cases had been finalized and reports issued quite some time ago, but Peter did not request their closure in iCMS (cases 0151/11; 0148/11; 0307/11). As of today, cases 0151/11; 0148/11 have not been closed. Peter also clarified that it was his typo when he referred to the case 0291/11, since in fact he was referring to a case 0291/12.

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Having now clarified what was patently obvious from the outset; that my reference to 0192/11 was an erroneous reference to 0291/12 – could someone please explain why it is important that this be explained here, at length?

In summary

- Provided examples demonstrate that Peter has not completed all cases in a timely and efficient manner and moreover, he did not ensure effective and efficient case management, which includes filing of all relevant documents in CITRIX and updating iCMS regarding case status. Information provided above demonstrates that Peter's performance related to case management has not been satisfactory and that it requires development.

Can Mr. Dzuro explain why, if he finds occasional lapses in filing or the updating of the iCMS system of such importance that they can be indicative of failures in my performance, he was not aware of these egregious felonies before and did not deem them of sufficient importance to raise them earlier?

After I was required to take Medical Leave, it is apparent that Mr. Dzuro has gone through absolutely everything I had done in the last 12 months desperately looking for the slightest misdemeanour he could cite, if only to justify the PIP.

I am not in the habit of claiming psychic powers but this was foreseeable and precisely why I wrote to the Director OIOS/ID on 13 May 2013.

c) Team Work

Peter's conduct that appears to be inconsistent with standards outlined in the UN Core Competencies

On 23 August 2012, Ms. Baldini and I called a meeting with Peter to discuss performance issues with him. During that meeting we discussed ways to improve Peter's performance (including attendance of specific training programs), but we also talked about the use of improper language in the office. Those discussions were summarized in an e-mail Ms. Baldini sent to Peter on 23 August 2012.

How is this relevant to the subject of "teamwork"?

An annotated copy of Ms. Baldini's email of 23 August is attached at **Annex B**.

I have no recollection of any discussion on 23 August about 'improper language' – but one of the things that Ms. Baldini has often repeated that it is necessary to modify one's language for the audience.

I am not aware of a single instance when any failure to modify my language was brought to my attention or had any bearing on any interview I was involved with.

Given that I have, for 20 years, been speaking to a range of people from Chief Executives of public listed companies to illiterate farmers and day labourers - and done so across a large number of different countries and cultures - I am still not sure what Ms. Baldini was specifically referring to but it was not worth starting an argument over.

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My recollection of the 23 August meeting was that Mr. Dzuro (who was supposed to be my First Reporting Officer) did not actually say anything at all. The meeting was conducted by Ms. Baldini from start to finish.

Since Peter's performance during the reporting cycle continued to be below the expectation for a P4 investigator, as a proactive step, I consulted Ms. Baldini as to how to best assist Peter so that he can remedy the shortcomings. After proposing and arranging additional training, and peer assistance, we decided that a Performance Improvement Plan (PIP) would be prepared to further assist Peter.

Ms. Baldini and I met with Peter on 20 February 2013 and we discussed in detail the proposed PIP. We told Peter that we would try to help him as much as we could, but he had to do his part. Peter agreed with the PIP concept in principle and therefore, on 28 February 2013, Ms. Baldini sent Peter a draft of the PIP that I had prepared in consultation with Ms. Baldini.

My recollection of that meeting is slightly different. Ms. Baldini confirmed that a request had been made for renewal of my employment contract; but that this was to come "*with conditions*" and that I was to "*give more than (I) had been giving*".

Ms. Baldini was concerned that my work had not noticeably improved since the meeting in August, specifically mentioning that spellchecker was not used, Notes to File contained typos, the word 'cross' in one instance appeared as 'sross' and that full stops were sometimes missing.

She also made the point that investigations must be "focused" and that investigators should not just ask questions to satisfy their curiosity.

For these two reasons, I was told I would be put on Performance Improvement Plan.

Out of good manners, the need to get along with everyone in the team and there being nothing to be gained by pointing out anything that might embarrass her; I agreed to it, and having agreed to it, have never gone back on that commitment. (I was, however, mildly curious to see a PIP which required an investigator *not* to ask questions and require Professional staff not to make *typos*.)

That was more or less the extent of the discussion as to the contents of the PIP.

Ms. Baldini talked about how reports must only contain "*facts, supported by evidence*" and not opinions or conclusions. Rightly or wrongly, I tried to explain that in drafting reports, I considered it better to "*over-shoot and edit down*" rather than present an incomplete case. (I still believe this to be the case.)

Ms. Baldini emphasised the importance of 'process' and how investigations had to follow the steps. My experience has been such that I do not always agree with this, but was not going to argue. Ms. Baldini has been an investigator since 4 May 2009. I have been an investigator since 1993. I am not inclined to start unnecessary arguments.

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Ms. Baldini stated that peer review of reports - which although something she insisted on - should not actually be necessary. I said nothing.

There followed assurances that I was a very valuable member of the team and other such platitudes. Mr. Dzuro joined in on this, making specific reference to Ai-Loan Nguyen-Kropp who, he said, could “*fall off a high building and he would not care in the least – except if she hit someone on the street when she landed.*”

Ms. Baldini went on to explain how, in view of all the changes and restructuring proposed by the Director, she was working hard to make sure everyone’s job was safe. To this end, I “*needed to help her to help me.*”

Ms. Baldini also made reference to “*the snake*” – which I had to have clarified was a reference to Mr. Florin Postica.

In any event, Mr. Dzuro claims authorship of the draft PIP; which I find curious, if only because the name of the Word document was “*PIP 1 March 2013 with DZV comments.doc*”. I cannot speak for anyone else but personally, I can say I have never generated any document myself and named it something “*with PAG comments.*”

Moreover, if Mr. Dzuro said he drafted it, he acknowledges that it was Ms. Baldini who sent it to me.

Following the receipt of the drafted PIP, I observed that Peter behaviour became belligerent. I shall provide several concrete examples of behaviour that I consider inconsistent with the standards outlined in the UN Core Competencies.

On receipt of the PIP, the terms of which I consider egregious and offensive, I asked – politely and not unreasonably – for examples of the sort of conduct which, having allegedly engaged in, I was now required not to repeat.

I am not sure how this is so unreasonable as to be “*belligerent*” - if anything, I would have said it was “*defensive*” - and not unjustifiably so.

Mr. Dzuro failed to explain precisely what I may have done that was wrong.

I did not understand then, and still does not understand now, how I (or anyone else) can be expected to “improve” if their Supervisor refuses to say precisely what was done that was wrong.

Moreover, I am not entirely sure how any Supervisor can actually be *supervising* if they are unable to provide a single specific example of what the person may have done wrong.

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Furthermore, I am not entirely sure how anyone can ever be expected to comply with a PIP which requires them to “*improve their judgement*”; I remain unsure of how ‘judgement’ can be objectively measured.

- a) On 11 March 2013 I saw Peter sitting at his desk (after two days not reporting to duty), so I walked to him and said that I was concerned about his health (Peter previously informed me about his recent eye surgery), since he did not show up for work and did not respond to my emails (did he have sick leave submitted in the system?). Peter responded in an aggressive tone to the effect that he doubted I was really concerned about his health. I was surprised with the tone of his voice and his aggressiveness towards me. Even though I am not used to colleagues talking to me in this fashion I chose not to escalate the conversation since I was concerned that the aggressiveness might be connected to the eye surgery or other health issues. I reported this incident to Ms. Baldini. When I got to my office I opened an e-mail Peter sent to me. When I read the e-mail I realized that Peter’s behaviour was most probably linked to the draft PIP that we had given to Peter with a request to provide his input.

My recollection of events is that on 11 March 2013, immediately after lunch, Mr. Dzuro saw that I had returned to my desk. He came to me and in a manner which I considered to be insincere, told me that he was “very concerned” about my absence, and that he had asked my colleagues if they know of my whereabouts.

I responded - in a manner that was undeniably abrupt and even rude - that I did not believe him for a minute. I enquired if there was something wrong with his fingers; I asked if they were broken, as he had manifestly failed to pick up the telephone to call me to find out. Mr. Dzuro appeared embarrassed by this. He immediately departed - in the manner of a scalded cat – saying nothing. He then assiduously avoided any contact with me for the next several weeks.

By the early afternoon of 11 March, I believe Mr. Dzuro was fully aware that I had spent the morning in the Executive Office and, thanks only to the intervention of the Director OIOS/ID, had signed the renewal of my employment contract. The contract renewal document was not given to me for signature before several phone calls were made. Staff of the Executive Office had received instructions from ID to the effect that I was not to be permitted to sign my contract.

I complained about this coercion, but no action has been taken.

It is of interest to note that the urgency with which Mr. Dzuro and Ms Baldini had insisted that the PIP had to be signed somehow evaporated after the renewal of my employment contract was signed.

In the e-mail which Mr. Dzuro refers to, which I sent him at 1:49pm on that day, I offered to sign the PIP: I said “*If you do not wish to amend or edit the PIP as currently drafted, please both sign it first and I shall add my signature at the end.*”

Initiative was then with Mr Dzuro to do as he thought fit. **He failed to address any of the questions raised and could not point out a single example of**

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anything that I may have done that was wrong, so that I might avoid repeating the same mistake in the future.

Had Mr. Dzuro actually taken the time to explain why he considered the PIP to be necessary, or indeed to have answered any of the questions I raised; absolutely everyone would have been saved a ridiculous amount of thoroughly wasted time and effort.

This is the question that remains unanswered: Why would Mr. Dzuro not answer any of the questions about the PIP?

- b) On 13 March 2013 I wrote an e-mail to Peter in which I encouraged him to come and speak with me so that we could find common ground and mutually suitable solution to the problem. On 14 March 2013 Peter responded to my email stating: "With respect, I would be obliged if you did not attempt to change the subject. Having repeatedly failed to provide the information I asked for from 4 March onwards, you have been provided with 38 specific questions in respect of your draft PIP and which you have not yet addressed. Neither the Staff Rules nor any other regulatory provision of which I am aware requires me to be happy, cheerful or even to trust you, and hypocrisy is an attribute I myself have always striven to avoid. You are free to now try to justify your behaviour over the past two weeks if you wish. If you also wish to substantiate your suggestion that my behaviour is "erratic", no one will stop you. Being capable of some independent thought and analysis, however I have an alternative interpretation of what has happened and chose to disbelieve you. Please let me have your answers to the 38 questions you have been asked. If you do not wish to do that, kindly advise whether you wish to proceed with the PIP as drafted on 28 February". I believe that the tone and content of Peter's email is self-explanatory.

I agree that the tone and content of my e-mail is self-explanatory. What is not explained, of course, is the reason why Mr. Dzuro would not answer any of the questions of the PIP.

In his e-mail of 13 March 2013, Mr. Dzuro had written "*I honestly do not understand your recent behaviour. If you have any issues with what I did as your manager, I would like to offer you an opportunity to discuss any of your concerns with me.*"

I can only assume, therefore, that Mr. Dzuro experienced some sort of difficulty either reading or comprehending the e-mail which, in the preceding paragraph, he had described as self-explanatory.

My e-mail to Mr. Dzuro on 11 March was as clear as I could make it, and bears quoting:

"You have repeatedly asked for my input to any discussion to be had on the subject of the draft PIP sent to me on 28 February. I have made comments in writing and do not wish to enter in to any further discussions about it.

If you do not wish to amend or edit the PIP as currently drafted, please both sign it first and I shall add my signature at the end."

Mr. Dzuro was aware of the fact that I was not willing to discuss the matter – so I fail to see why I would be persuaded by the offer of coffee, tea or a strawberry

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blancmange. I am also very well aware of the value of unrecorded verbal communications on such important and potentially litigious matters. The fact remains; **Mr. Dzuro failed to provide a single answer to any of the question raised in response to his draft PIP.**

Mr. Dzuro has also conveniently failed to mention the second sentence quoted above. If he was prepared to stand by the PIP; all he had to do was sign it first and I would do likewise. He did not do so.

To me it is a simple black and white issue; either I have done something wrong or I have not. Either Mr. Dzuro can answer the questions put to him or he cannot. The fact is that he has consistently been unable or unwilling to answer them suggests to me that he *has* no answers.

- c) On 19 March 2013, I sent Peter a copy of his PIP. I copied the email to Ms. Baldini and Mr Dudley for information. Mr. Dudley then invited all of us - Peter, Ms. Baldini and I, to his office in order to seek a solution to the problem. Peter sent an e-mail to Mr. Dudley in which he refused any discussion arguing that he did not have sufficient time to review the PIP. Mr. Dudley then approached Peter in order to facilitate discussion with him. Mr. Dudley described what transpired in an e-mail he sent to me and Ms. Baldini : "I intended to go through the document with you all. Since Peter sits in front of my office, I stepped out to invite him for a quick discussion on how things are going. I thought he would come to my office. I waited alone. I then went to his desk to ask him again. He refused and said he did not want to talk. I said he could listen. Again he refused. I advised him of my responsibility and his. Again he refused any discussion. His conduct was aggressive and belligerent. We cannot force mediation and I am not sure what to mediate. It is an option however. I believe his conduct is unsatisfactory".

Mr Dzuro sent me the second draft under cover on an abrupt one-liner ("*I am resubmitting to you the revised PIP for your information and signature*") at 12:09pm.

If the original PIP was fully justified; **Why was a second version needed?**

Immediately after receipt of Mr. Dzuro's email, Mr. Dudley followed up with a similarly short message ("*Lets discuss this in my office today around 1230. Roberta can you join us?*") sent out at 12:11 pm.

I do not consider 21 minutes adequate time to read the second draft and compare this to the previous draft and the comments that I had made – so I declined.

Mr. Dudley did indeed then came to my workspace in person. The attitude Mr. Dudley describes as "*aggressive and belligerent*" is what I describe as "*defensive*".

At no time did Mr. Dudley ask if 12:30 was convenient, or if perhaps I might like a bit more time to read it.

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My refusal to engage in any verbal discussion was exactly in accordance with the e-mail of 19 March which Mr. Dzuro refers to above, and for the reasons stated therein.

What Mr. Dudley then chose to write in an e-mail about what his future intention may have been is of no relevance. Those intentions were never communicated to me.

It is of interest to note, however, that Mr. Dudley was considering mediation as early as 19 March, but was “not sure what to mediate.” He does not appear to have considered the possibility of avoiding the problem altogether by actually providing some answers to the questions that were raised.

For the record; I will state unequivocally that I do not trust Mr. Dudley.

It makes little difference whether his title is Principal Deputy Director, Vice-Pope or King of the World; Mr. Dudley is a controversial and divisive figure whose public profile is such that he is an embarrassment to the Organisation.

The total number of misconduct complaints filed against him remains the subject of office speculation. He has been publicly accused of various irregularities and serious acts of misconduct going back several years, yet all of them appear to remain unanswered to this day.

Unless and until he is exonerated of all the allegations against him; I shall protect myself from any possibility of a “misunderstanding” arising by not engaging in any unrecorded conversations with him on any matter having a bearing on my own career or professional reputation. It would be reckless of me to do otherwise

The most important question for Mr. Dudley, however, is why he did not follow up on his failed attempt to engage me in a face-to-face discussion (*where I was only required to listen and not talk*) with a written explanation of what he had to say.

I could only conclude that there are two possible reasons for this, either

- a) because in actual fact; he had nothing to say, or
- b) because he was not prepared to stand by anything that he did say.

Given his public record for denying authorship of documents with his name on them, I do not consider it unreasonable for anyone not to trust what he says, and not to rely on what he might write either.

Moreover, I find it unusual that anyone with any managerial skill whatsoever would not realise that it might be a lot easier for everyone

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concerned if someone would actually try to answer the questions that were put to them.

I can only surmise that Mr. Dudley might have been fully aware of the fact the answers to the questions would have shown that the PIP was unwarranted.

- d) On 22 March 2013 Peter responded to the PIP. In his e-mail he stated, among other things: "I have no intention of engaging in any verbal discussions with either you or Roberta or Michael Dudley over the content or the imposition of this PIP. I cannot believe that any such 'discussions' would be in my best interests. Conversations give rise to misunderstandings and I will do everything possible to avoid a situation arising in the future where there are any differing interpretations of who might have said what, or what they meant, or what may have been in their head at the time. I am the one who is being put at a disadvantage here. I see little benefit in listening to, or saying, anything that can only give rise to an opportunity for misunderstandings that will act to my further detriment in the future. If there is anything that anyone wishes me to know, they have to put it in writing. If it cannot be put in writing, I am not interested in hearing it. There is nothing I wish to say that I am not prepared to put in writing either".

This is fairly self-explanatory. I am not entirely sure why it is quoted here.

- e) I would like to note for the record that since 11 March 2013 Peter refused to verbally communicate with me, his FRO, and I was informed by Ms. Baldini that he also did not talk to her as his SRO. I further understand that since 22 March 2013 Peter does not verbally communicate with Mr. Dudley. Peter's failure to communicate with his direct supervisors is not related only to the issues of the proposed PIP, but also to the caseload he addresses.

This is political doublespeak of the worst kind; what Mr. Dzuro describes as "*Peter's failure to communicate with his direct supervisors*" really means his own failure to communicate with me.

Both Mr. Dzuro and Ms. Baldini were unable to respond to the questions I raised about the PIP. Instead, they chose to stay out of my way. Admittedly, that was a tactic with which I was not unduly concerned, but blame for Mr. Dzuro's failure to communicate with me cannot now be attributed to me.

Mr. Dzuro suggests that my alleged "*failure to communicate*" had a bearing on the cases I was working on. This is only partially correct; the PIP fiasco took up a ridiculous amount of time which should have been spent on cases. I do not deny that for a second, but can hardly be criticised for it; I was not the one who started the nonsense, and I was not the one who failed to explain myself.

In summary:

- Peter used to interact with colleagues in New York office, but he gradually isolated himself from some of his colleagues. He does not maintain effective two way communications within the unit with some, which has a negative impact on information sharing. As demonstrated above, Peter stop verbally communicating with his FRO, SRO and OIOS/ID Principal Deputy Director. Team work, which requires effective two-way communication, is an integral part of UN core competencies and as such essential for successful achievement of Peter's goals. Information provided above demonstrates that Peter's performance has not been satisfactory and that it requires development.

It is true that I stopped communicating with both Mr. Dzuro and Ms. Baldini; but only because they stopped communicating with me. They were embarrassed by

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their inability to respond to the points I had raised from their draft PIP document, and this gave them sufficient motive for staying out of my way.

Mr. Dzuro seems to be trying to deflect any criticism that may be aimed at him for his failures as a supervisor as somehow being *my* fault; for not responding to the absence of any communications from him.

This is patently ridiculous.

The only persons in respect of whom Mr. Dzuro can make any adverse finding as to any failings in the area of “teamwork” are:

- a) himself, and that is largely because after being chastised by me on 11 March, he assiduously kept out of my way until until forced to address me directly in the offices of the Mediation Service on 10 May, and
- b) Ms. Baldini, who similarly kept out of my way, ignored me when she saw me in the office and failed to speak to me from the meeting on 20 February until she broke silence at 11:10am on 21 May. (*The event was so noteworthy that it merited a Note to File.*) and
- c) Mr. Dudley, who I have no reason to communicate with anyway and who, in any case, was not prepared to put anything in writing.

During the period, I had no ongoing investigations which would have necessitated any conversations with either Mr. Dzuro or Ms. Baldini anyway.

Mr. Dzuro cannot point to a single example of my failure to engage in “teamwork” or where my failure to communicate with him (or his failure to communicate with me) had any impact on any case under investigation.

Mr. Dzuro cannot point to a single example of my having refused to work with, or even talk to, any other investigator in this office, or work on any investigation.

What Mr. Dzuro describes here is the increasingly hostile working environment in which I was forced to work. I can hardly be held responsible for the actions of other individuals, who used to behave in an open and friendly manner towards me, but for whatever petty political reason of their own choose to avoid any interaction with me for fear of being seen as somehow *supporting* me.

The atmosphere in this office can be childish in the extreme.

d) Outputs and high quality reporting

During 2012/13 reporting cycle Peter worked on the following investigations:

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0151/11 – report drafted;
 0482/11 – report drafted;
 0496/11 – report drafted returned to Peter for clarifications
 0291/12 – report issued;
 0307/11 – closure report issued;
 0175/11 – case was assigned to Yves who worked on the case with Peter, closure report issued by Peter.

It should be also noted that Peter was assigned seven insurance fraud cases. After Peter's initial work on these cases, since Peter could not travel to UNIFIL due to medical issues, the cases were handed over to other investigators who travelled to Lebanon and completed those investigations. Although Peter stayed behind in New York he helped his colleagues in Lebanon by uploading relevant documents to case files in CITRIX, since the connection to CITRIX from Lebanon was slow and often crashed.

Peter volunteered to put together an audit checklist, a document that was designed to assist the investigators in assessing the referrals from Internal Audit Division (IAD/OIOS). I understand that Peter provided the draft to Ms. Baldini and it is currently with the Director for his decision.

It should be noted that Peter assisted with transcriptions of audio-recorded interviews in at least two cases. Peter's work on the transcriptions was appreciated by his colleagues and I thanked Peter for his assistance.

Peter also volunteered and assisted other OIOS/ID New York investigators with their investigations - he worked on three assessment cases and several referrals.

Rating: C - Requires Development

This is slightly odd. If I volunteered and assisted other OIOS/ID New York investigators with their investigations, and in the absence of any examples of my having refused or failed to work with any other investigator in this office - how can Mr. Dzuro support his assessment that I be given a 'C' rating and argue my teamwork skills *'require development.'*

The great irony in the situation here is that Mr. Dzuro is well known for having assiduously avoided even speaking to Mr. Florin Postica, his own former supervisor and now the Assistant to the Director, who returned to New York in May 2011.

It was also common knowledge in the office that the so-called 'West African Initiative' was invented as a device so that Mr. Dzuro would not be forced to work with Mr. Postica.

For Mr. Dzuro to tell me that my teamwork *"required development"* simply has to be a joke.

In summary:

Peter conducted several investigations, produced reports, assisted his colleagues and also volunteered to help with interview transcriptions. Peter also drafted a checklist to assist with the IAD referrals.

However, the information provided throughout this ePas end-of-cycle report shows that Peter does not always provide output in the quality that is expected from an investigator appointed at his level. Peter's draft reports are not always set out in a clear, logical and concise manner and his findings are not always supported by evidence. Peter often struggles to clearly articulate the established facts of the investigation and to analyse the evidence in order to support his findings.

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Peter's drafts of the reports submitted to his FRO and SRO are not always in accordance with the United Nations report writing conventions, with OIOS Manual and SOPs. Peter's draft reports often require substantive re-drafting prior to their submission to PPS.

The volume of Peter's output is within the range of what is expected from an OIOS investigator, however, the quality of his work requires constant attention and significant development.

Section 2 - Core Values

CORE VAL-Integrity

Demonstrates the values of the United Nations in daily activities and behaviours. Acts without consideration of personal gain. Resists undue political pressure in decision-making. Does not abuse power or authority. Stands by decisions that are in the Organization's interest, even if they are unpopular. Takes prompt action in cases of unprofessional or unethical behaviour.

Rating: C - Requires Development

Mr Dzuro is unable to demonstrate how, in any way, I have failed to live up to the values of the organisation in my daily life.

Mr. Dzuro cannot point to a single example of my ever having taken any decision for any personal gain or benefit since the day I joined the organisation. Ms. Baldini, on the other hand, is on record as having petitioned the UNDT twice when faced with a decision which affected her financially and which she did not like.

Although he has not done so, Mr. Dzuro *could* point to an example where I resisted undue political pressure in decision-making; that was my refusal to be pressured into signing the PIP that used to be "urgent" – but somehow ceased to be urgent after my employment contract was signed.

Mr. Dzuro, Ms. Baldini and Mr. Dudley have all been the subject of a misconduct complaint for the abuse of authority. I am not sure the same thing can be said about me; though the USG herself did contact me to enquire as to the veracity of an unfounded rumour that was being taken seriously.

Mr. Dzuro cannot point to a single example of where I have not stood by an unpopular decision - except, of course, the decision to agree to a malicious PIP that he remains both unwilling and unable to explain or justify. He, on the other hand, is widely known to have filed a formal complaint when he disagreed with the Director deciding to close down the investigation of case 0303/11.

To my own discredit, unfortunately, it is appropriate that I acknowledge that I *did* fail to take prompt action in a case of unprofessional or unethical behaviour; I failed to report Mr. Dzuro immediately for not taking action when evidence was found to be missing from case files 115/11, 481/11 and 482/11.

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Confidential**CORE VAL-Professionalism**

Shows pride in work and in achievements. Demonstrates professional competence and mastery of subject matter. Is conscientious and efficient in meeting commitments, observing deadlines and achieving results. Is motivated by professional rather than personal concerns. Shows persistence when faced with difficult problems or challenges. Remains calm in stressful situations.

Rating: C - Requires Development

Mr. Dzuro has failed to point out a single credible example of any real failing in professional competence on my part. He has had ample opportunity to do so but has failed to respond to the questions raised by the draft PIP.

This end-of-cycle review is long on innuendo and very short on substance.

The importance which Mr. Dzuro attributes to minor clerical matters shows that he does not appear to draw any distinction between form and substance. After a considerable effort, Mr Dzuro has shown that I do sometimes make minor typos, and that I have sometimes failed to keep the iCMS system fully up to date, and even that I failed to complete a Document Register (for five documents) on one occasion.

Unfortunately:

- a) I was not primarily hired as a filing clerk, and
- b) if these actually were serious complaints, and he knew about them before the end of the Cycle, he manifestly failed to include them in the PIP.

Mr. Dzuro has failed to show that I am motivated by personal rather than professional concerns. On the contrary, he has engineered a situation where I have completely changed my mind about the United Nations being an organisation worth working for. I now see no point in jeopardising my professional reputation any further by staying here in the longer term.

Anyone with the least amount of intelligence must surely realise that if I was in the slightest bit motivated by petty political advantage, I would have submitted to the PIP without demanding the answers that I did; even if thought it was insulting.

Does Mr Dzuro consider that I fail to “*show persistence when faced with difficult problems or challenges.*”? I have clearly become an embarrassment to both him and Ms. Baldini simply by asking them to justify their PIP document.

“Remains calm in stressful situations” is interesting and worthy of comment inasmuch as I have probably failed. The efforts of Mr. Dzuro, Ms. Baldini and Mr Dudley resulted in a working environment and a level of stress exceeding anything that I ever experience in 20 years dealing with such minor irritancies as Organised Crime syndicates, corrupt politicians, drug traffickers and others who actually wanted to kill me. That I was forced to take medical leave is something of an achievement.

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Confidential**CORE VAL-Respect for Diversity**

Works effectively with people from all backgrounds. Treats all people with dignity and respect. Treats men and women equally. Shows respect for and understanding of diverse points of view and demonstrates this understanding in daily work and decision-making. Examines own biases and behaviours to avoid stereotypical responses. Does not discriminate against any individual or group.

Rating: C - Requires Development

Mr. Dzuro has failed to point out a single credible example of my having failed to work effectively with anyone because of their background, or of my having failed to treat men and women equally, or of my having acted on any bias or stereotype, or of my having discriminated against any individual or group for any reason.

Mr. Dzuro has manifestly failed to point out a single credible example of my having failed to treat anyone with dignity and respect; under exception of himself, Ms. Baldini and Mr. Dudley, of course, and that has nothing to do with their background and everything to do with their lack of integrity.

Mr. Dzuro has manifestly failed to point out a single credible example of my having failed to show respect for and understanding of diverse points of view, under exception, of course, of the point of view which states that I can be insulted with a PIP and denied answers to questions about what I may have done wrong in the first place.

Prior to joining the UN, I lived in Asia for 19 years. I lived in Hong Kong, both before and after the Handover to Chinese sovereignty, a very alien society that underwent significant social changes. I never lived any sort of privileged “expat” lifestyle; I always lived on the local economy. I travelled around the region and worked in a number of other foreign countries with significantly different cultures, including both China and Taiwan, Indonesia, the Philippines, Korea, Singapore and Malaysia – and always working with local professionals in those countries. I interacted with people from a broad spectrum of national, ethnic, cultural and religious backgrounds. I did this with no organisational support or protection of any kind.

I cannot say I never caused anyone offence; I know I did so on at least three occasions; but in each case, the offence was inadvertent and I apologised unreservedly for my actions. In any event, 3, or even 6 people in 19 years, and over at least half a dozen countries and numerous cultures is a record I am prepared to defend against anyone. (It excludes, of course, an unknown number of people who had cause to be offended because I was pursuing cases of fraud or money laundering, but even then, no one was ever offended on grounds of their ethnicity or background.)

Still, both Ms. Baldini or Mr. Dzuro consider that I somehow require *development* in my respect for diversity. They simply do not recognise the value of any experience from the outside world.

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Core Values Summary

Comments:

Peter's conduct during the 2012/13 reporting exposed problems related to Peter's professionalism, integrity and respect for diversity.

I disagree in the strongest possible terms.

On the contrary, I find it unconscionable that this organisation should support and encourage individuals who demonstrate such an egregious lack for integrity.

Section 3 - Core Competencies

Teamwork

Works collaboratively with colleagues to achieve organizational goals. Solicits input by genuinely valuing others' ideas and expertise; is willing to learn from others. Places team agenda before personal agenda. Supports and acts in accordance with final group decision, even when such decisions may not entirely reflect own position. Shares credit for team accomplishments and accepts joint responsibility for team shortcomings.

Rating: C - Requires Development

The only example of any failings I may have in 'teamwork' relates to my having no desire to engage in verbal communication with either himself, Ms. Baldini or Mr. Dudley; none of whom had the courage to communicate with me in writing, and none of whom I was working with in any operational capacity anyway.

Planning & Organizing

Develops clear goals that are consistent with agreed strategies. Identifies priority activities and assignments; adjusts priorities as required. Allocates appropriate amount of time and resources for completing work. Foresees risks and allows for contingencies when planning. Monitors and adjusts plans and actions as necessary. Uses time efficiently.

Rating: C - Requires Development

The only thing Mr. Dzuro appears to have found to complain about here is my having given priority to professional investigation work over minor clerical tasks.

Accountability

Takes ownership of all responsibilities and honours commitments. Delivers outputs for which one has responsibility within prescribed time, cost and quality standards. Operates in compliance with organizational regulations and rules. Supports subordinates, provides oversight and takes responsibility for delegated assignments. Takes personal responsibility for his/her own shortcomings and those of the work unit, where applicable.

Rating: C - Requires Development

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This is the most patently ridiculous thing I have ever heard.

Mr. Dzuro cannot point to a single instance where I have failed to take responsibility for anything I have done wrong.

On the contrary, he himself has manifestly avoided taking ownership of his responsibilities to show that the PIP he drafted was actually based on any identified performance shortcomings. Mr. Dzuro has not only has be refused to answer the questions put to him, he has even avoided putting his refusal to do so in writing.

Instead, Mr. Dzuro cites examples (albeit tiny examples) where I readily apologised for having failed in some minor clerical or administrative detail – then tries to suggest that my failure to carry out these minor clerical tasks is somehow evidence of a management failure on my part.

By refusing to explain why the PIP was necessary, Ms Baldini and Mr. Dzuro have caused a truly ridiculous amount of the organisations’s time, effort and budget to be wasted on their attempts to discredit me.

It is a matter of public record that, even as an internal candidate, Ms. Baldini scored 15th out of 17 applicants in a promotion test. As if that alone were not bad enough, rather than accept the fact that she failed, went to the UNDT to challenge the decision; regardless of the harm she caused to 14 better qualified candidates.

As for Mr. Dudley’s role in this; it is difficult to take seriously any individual who tries to take pre-emptive action to avoid investigation himself, when the UNDT noted that he himself argued that “*voluminous and critical documentation against (him) exists and there is no way of defending himself against it*”.

Despite all the effort that I am sure Mr. Dzuro has now expended on the search, he cannot point to a single example of my having failed to operate in compliance with the organisations regulations and rules.

If I could stop laughing long enough; I might even try to ask by what logic, or in what parallel Kafkaesque universe, either Mr. Dzuro or Ms. Baldini consider their abject failure to explain the PIP to be “*supporting subordinates*”.

I would be interested to hear how Ms. Baldini's unnecessary and endless editing of reports for petty cosmetic reasons counts as “*providing oversight*”, or how Mr. Dzuro considers he achieves that objective by avoiding actually reviewing any draft reports himself but insisting that somebody else do it for him.

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Given Mr. Dudley’s history of trying to take pre-emptive action to block any investigation into his own misconduct, I can only conclude that that this organisation does not appear to understand what accountability actually means in the real world.

If this is “accountability” it is a joke: and my practice has always been to laugh at jokes.

Technological Awareness

Keeps abreast of available technology. Understands applicability and limitations of technology to the work of the office. Actively seeks to apply technology to appropriate tasks. Shows willingness to learn new technology.

Rating: B - Fully Competent

This could possibly be the funniest joke of all.

Having been exclusively a MAC user for almost 10 years before joining this Organisation, I struggle with Microsoft software on a daily basis. I am embarrassed at the number of times I have had to ask for assistance because of my unfamiliarity with the likes of iCMS and the Citrix system. In fact, Mr. Dzuro himself has even alluded to my failures to keep these systems updated.

Had Mr Dzuro actually been doing his job, he might have known that I am nowhere near 100% happy with my level of knowledge in computing technology. As it is, to assess me as “Fully Competent” only suggests to me that either;

- a) he does not know what he is saying, or
- b) that the definition of ‘competent’ is so low that nobody is any better.

Core Competencies Summary

Comments:

Peter’s conduct during the 2012/13 reporting exposed problems related to Peter’s Teamwork, Planning and Organizing; and Accountability.

Peter is fully competent with regard to Technological Awareness.

I simply cannot take this seriously.

Section 4 - Managerial Competencies

Section 5 - Development plan

No development plan created

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Section 6 - Mid-Point Comments

Staff Member

Description: I appreciate I have come from a background completely alien to the UN system and that the transition involves some very fundamental changes to the way that I have always worked, but I am cognisant of the challenges in this area and am committed to adjusting my perspective to adapt to the working practices in place, and to doing what is required of me.

FRO

Description: Peter, I believe that you are a valuable colleague with overall positive input in the work to this office and you are a good team player. Having said that there are still issues that I believe need to be actively addressed by you during the remaining time in this reporting cycle and beyond. I would like to summarize the issues we discussed: a) Report writing b) Drafting skills training, and c) Meeting and working with PPS colleagues to understand legal sufficiency in your reports. Just for the record, the goal of your ePas plan, as originally set, have not changed. I am looking forward to working with you more closely between now and end of March 2013, so that you can meet the goals as set in your work plan.

Section 7 - End-of-Cycle Comments

5 days of Learning completed during period? No

End-of-Cycle Comments Summary
Rating: C - Partially meets expect.

Comments:

Comments on Peter's self-evaluation

I, in accordance with ST/AI/2010/5 in Section 8.2, encouraged Peter to conduct a self-appraisal for his 2012/13 ePas. The ST/AI suggests that the self-appraisal should contain information on the manner in which the staff member has carried out the work plan defined at the beginning of the performance cycle.

I am not sure I recall being 'encouraged but never mind.

It appears that Peter did not use the self-appraisal to discuss his performance during the reporting cycle, but instead he addressed issues related to the attempts of FRO and SRO to introduce the Performance Improvement Plan in accordance with ST/AI/2010/5 Section 10.

Put another way: having been depleted of any long term interest he may originally have had in furthering his career in this organisation, Peter used the self-appraisal to address the failure of his FRO and SRO to actually identify the alleged "*performance shortcomings*" which might necessitate or justify their decision to introduce a Performance Improvement Plan in accordance with ST/AI/2010/5, section 10.1.....

Peter also made in his self-appraisal a number of assertions against Ms. Baldini and I, but I believe that those should be better addressed by other available means outside of this ePas end-of-cycle evaluation and therefore I am not going to comment on those.

Comments on Peter's development plan

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Development plan was not created by Peter in his ePas plan. Notwithstanding that, during the discussions with Peter on 23 August 2012 (with Ms. Baldini) in accordance with provisions of ST/SGB/2009/9 we discussed with Peter training that he needs to take to enhance his skills and competencies and to improve his performance. This discussion is summarized in an e-mail Peter received. Subsequently in November 2012 (mid-term ePas review) in fulfilment of my managerial obligation stipulated in ST/SGB/2009/9 para 2.4, I discussed with Peter his progress on the training he had agreed to take on in August, particularly: a) take a writing class; b) work with a PPS reviewer to understand what they need to show that a case is legally sufficient and what they see in Peter's reports; and c) take cultural diversity training. This discussion was also summarized in an e-mail Peter received and it is also depicted in my mid-point comments in this ePas.

That a meeting took place on 23 August 2012 has never been denied, that it resulted in anything meaningful is another matter.

What is material, however, is that when initially asked what I had done that warranted the PIP, I was pointed to Ms. Baldini's e-mail following the 23 August meeting. Regardless of what was said at that meeting or what was stated in the e-mail that followed, when I asked what it was that I had done from 24 August 2012 to 28 February 2013 "*that illustrates a failure to comply with Roberta's email of 23 August last year*" – **absolutely no answer could be provided.**

Staff members are required to demonstrate an active commitment to continuous learning. However, Peter did not manage to get himself on the writing class (training) even though he was encouraged and reminded.

If I understand this correctly, after graduating with an LLB (1983), adding a Dip.LP (1984), then an MBA (1989), and a Dip.M. (1990), learning to speak Chinese, qualifying as a Certified Fraud Examiner (1998(?)), qualifying for admission to the Hong Kong Institute of Arbitration (2000(?)) studying for and passing the New York State Bar Exam (2005), qualifying as a Certified Money Laundering Specialist (2006(?)), getting an LLM (2009) and an assortment of other miscellaneous things including exams by the Academy of Experts; and to say nothing of all sorts of other things I have done for no reason other than general education, like passing the Hong Kong Marine Department exams to qualify as both a Captain and a Ships Engineer, and studying electronics and radio wave propagation to get a General Class Ham Radio licence; after a career of attending more professional conferences and seminars than I care to remember, all on a purely voluntary basis and at my own expense (and that is in addition to the 20 or so where I was invited as a speaker); and - *just to show that all of these might possibly be part of an ongoing pattern* - even taking time off from my Annual Leave allocation and spending over \$1,000 of my own money to attend an international investigation conference in Philadelphia a few months ago

..... Mr. Dzuro considers that I am failing to "*demonstrate an active commitment to continuous learning*" because I failed to get on an English language writing course, which he failed to identify, the syllabus of which nobody could show me and which was fully booked anyway.

Seriously?

Peter talked to the Chief of PPS to arrange two day sessions with PPS reviewers, but this exercise did not go through partially due to the workload of PPS. After a number of reminders, Peter informed me that he was going to take an

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OHRM organized course related cultural diversity in the UN, but Peter has not provided the certificate of attendance, so it is unclear whether or not Peter took the class.

What is the point here? If the Chief of PPS was too busy to make time for me, am I at fault for failing to pursue her with sufficient enthusiasm?

The training course which Mr. Dzuro refers to was held on 25 & 26 February 2013. It was not on 'Cultural Diversity' but 'Effective Communication' and I took it in lieu of the report writing course which was unavailable.

I cannot recall ever being reminded to attend that course. On the contrary, I was unaware of the existence of the course before it was brought to my attention through an e-mail circular I received on Thursday 21 February. Given that the course began on the following Monday, and I was admitted to it, I can only surmise that I must have applied immediately, so there would not have been much time – or indeed any real need – to remind me.

In any event, after approving two days absence to attend that training, is Mr. Dzuro now suggesting that I might have *played truant* because I failed to provide a certificate, which he failed to ask for?

End of cycle comments

Based on the decision by Michael Stefanovic, OIOS/ID Director the reporting lines within the New York Headquarters Section changed effective 1 April 2012. As the result of this structural change I became the First Reporting Officer (FRO) in the 2012-13 ePas reporting cycle to a number of Investigators, one of those being Mr. Peter Gallo. Prior to my assignment as the FRO, the New York Chief of Section, Ms. Roberta Baldini was Peter's FRO. After my assignment to FRO, Ms. Baldini became Peter's second reporting officer (SRO).

The OIOS/ID work plan for the 2012/2013 ePas cycle was not finalized until 1 August 2012, as such the New York Investigations Unit work plan was provided by Ms. Baldini to staff under her supervision on 1 August 2012.

On 9 August 2012, I sent an email to Investigators under my supervision, requesting that they create a work plan for their ePas. I also requested that they provide me with a draft of the ePas plan in MS Word format by COB 15 August 2012, so that we can have a discussion about the plan before they create their work plan for 2012-2013 in Inspira.

Since I had not heard from Peter by COB 15 August 2012, I wrote to him on 17 August extending the deadline until COB 21 August 2012.

On 21 August 2012, I talked to Peter and asked him again to provide me with the work plan. I followed up this discussion with an e-mail. Peter requested that we talk again about the issue, so I talked to him and explained again what was expected from him. Later on 21 August 2012, Peter sent me a draft of his ePas work plan. I reviewed the draft, discussed it with Peter and on 23 August 2012 I sent the plan back to Peter, so that he could review it and initiate the ePas in Inspira. Peter entered the final ePas work plan into Inspira on 28 August 2012.

After discussions with Peter and guidance provided, on 28 August 2012, Peter set for himself four goals:

- a) High quality investigations;
- b) Effective and efficient case management;
- d) Output and high quality reporting; and
- c) Teamwork and effective communication.

As the FRO I discussed with Peter his performance on a number of occasions and I brought to his attention my concerns related to his performance verbally and in writing.

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Specifically, Ms. Baldini and I formally brought to Peter's attention issues with his performance during a meeting of 23 August 2012. During that meeting we discussed with Peter ways to improve Peter's performance including attendance of specific training programs. The discussion was summarized in an e-mail sent to Peter by Ms. Baldini.

I further discussed unsatisfactory performance issues with Peter during the mandatory mid-term ePas review in November 2012. During those discussions I encouraged Peter to attend the training sessions that we agreed to during the discussions on 23 August 2012 and that Peter had not attended. The mid-term review discussions are summarized e-mail I sent to Peter.

In accordance with the provisions of ST/AI/2010/5 Section 10, Ms. Baldini and I met with Peter on 20 February 2013 to discuss a Performance Improvement Plan (PIP) which was originally suggested to him on 23 August and in his midterm review in November 2012.

This is correct. My recollection of that meeting was that again, Ms. Baldini was in charge and that apart from agreeing with everything she said, Mr. Dzuro contributed nothing to the meeting.

ST/AI/2010/5, Section 10 states that when addressing performance shortcomings and unsatisfactory performance, the FRO, in consultation with the SRO officer and the staff member, should proactively assist the staff member to remedy the shortcoming(s):

I have no problem with this in principal; but I do not understand how any employee, in any organisation anywhere, can be expected to "improve" if neither his First nor his Second Reporting Officers are able to clarify exactly what it is that he has done wrong in the past.

The issues depicted in the proposed PIP were known to Peter through the discussions Ms. Baldini and I had with him and also through the e-mails Ms. Baldini sent to Peter in August 2012 and I sent to Peter in November 2012.

An annotated copy of Ms. Baldini's email of 23 August is attached at Annex A

If the situation was as clear as Mr. Dzuro appears to suggest; why did he fail to expand upon that email when challenged on 11 March 2013?

If – as Mr. Dzuro asserts - the issues in the PIP were known to me; can he explain why I thought it necessary to ask for clarification?

Why was it so difficult for Mr. Dzuro to answer the questions put to him?

During our February 2013 meeting, Peter agreed with the PIP process and therefore on 28 February 2013 Ms. Baldini e-mailed Peter a draft of the PIP requesting that Peter provide his comments so that we could further discuss the plan before it was put in place.

The document was emailed to me on Thursday 28 February 2013 at 12:58 pm. I was scheduled to be absent for the afternoon to undergo eye surgery.

The email was sent by Ms. Baldini and clearly reads: *"I have attached a copy of the PIP, Vlad and I drafted for your review. (sic) Please read it and present you (sic) comments today. I would like us to discuss it and to have us all sign it so that it will go into effect tomorrow 1 March"*

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I will not comment on the fact that Ms. Baldini's email, covering the PIP which states I am not to make typing errors or grammatical mistakes, is itself not 100% fluent or grammatically correct.

For the record; I do not believe that it is reasonable that anyone be presented with a document of that importance and required to sign it immediately.

ST/AI/2010/5 clearly states that the PIP should be "*done in consultation with the staff member*" – yet Mr. Baldini appeared to be in an unseemly rush to have the PIP signed. If Ms. Baldini considers that only a few hours is adequate time for the staff member to read the Plan, consider it, think about it, discuss it and agree to it; I do not.

I would go so far as to say that such undue haste might even be considered *pressure*.

On 4 March 2013, Peter responded to Ms. Baldini via e-mail requesting a list of "*everything I might have done, and that I would have to avoid repeating*".

I simply fail to see how that could be unreasonable.

ST/AI/2010/5 clearly states, at Section 10.1 "*When a performance shortcoming is identified during the performance cycle....*" Ms. Baldini was patently unable to confirm that any alleged "*performance shortcoming*" was ever identified.

Granted, ST/AI/2010/5 does not specifically state that the alleged performance shortcoming actually has to be communicated *to the Staff Member* but this appears to be the position which she and Mr. Dzuro have taken.

I, on the other hand, would assume that the consultation requirement, and the fact that the entire section talks about remedial measures, that telling the staff member precisely what he had done wrong *might just be an implied term*.

On 5 March 2013, I invited Peter for a meeting where the PIP could be further discussed before we finalized it, since ST/AI/2010/5 requires consultations between the staff member, FRO and SRO before the PIP is put in place.

The ST/AI requires "consultation", it does not require "agreement" and – curiously enough – it does not state in black and white that anything has to be justified. I would assume that that too can be implied.

Still, my "consultation" was to ask a number of questions relating to my performance.

Granted, ST/AI/2010/5 does not specifically state that if the Staff Member, in the course of that consultation, should ask a question to clarify anything, that either the FRO or SRO have any affirmative duty to respond either - but in this case, the

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failure to respond is prima facie evidence that no “*performance shortcoming*” was ever identified.

Notwithstanding the discussions Ms. Baldini and I had with Peter and also the numerous e-mail exchanges throughout the reporting cycle documenting instances of performance issues, Peter responded and requested a “list of all the concrete instances (or at least examples) of everything I have done from 24 August 2012 to 28 February 2013 that illustrate a failure to comply with Ms. Baldini’s e-mail of 23 August last year”.

I requested a list everything that I had done wrong from 24 August 2012 to 28 February 2013 because **I DID NOT KNOW.**

In fact, I still do not know; and the reason for that is – in my opinion – that in actual fact, neither Ms. Baldini nor Mr. Dzuro are able to point to anything to support their decision that I should be required to agree to the PIP.

On 5 March 2013 I responded to Peter, bringing to his attention the provisions of ST/AI/2010/5, particularly pointing to the difference between Section 10 (unsatisfactory performance) and Section 15 (rebuttal process) of the issuance.

Mr Dzuro is saying - indirectly - that as early as 5 March 2013, he was refusing to provide any explanation for the PIP.

I do not believe that the ST/AI/2010/5 grants a Supervisor any sort of immunity from explaining to the staff member precisely what conduct he may have engaged in which resulted in the need for a PIP.

I do not believe that the ST/AI/2010/5 grants a Supervisor authority to publish a PIP which is patently unwarranted.

I do not believe that the ST/AI/2010/5 grants a Supervisor authority to publish a PIP which is drafted to insult, belittle or demean any member of staff, or that it grants immunity under (*or takes priority over*) ST/SGB/2008/5.

Peter responded by e-mail stating “OK, that is fair enough. I trust there will be no objection if I do this from home tomorrow rather than work in the office”. I responded to Peter stating: “Peter, It is fine with me. Please take your time, study the ST/AI and provide your comments to the draft PIP so that we can discuss it by the end of this week meaning Friday, 8 March 2013. If you need to work from home on this issue as well as the transcription for Cam, go ahead, I agree with it.”

This explains precisely what I then proceeded to do – though I was then off sick on Friday 8 March and did not discuss it on that day.

Mr. Dzuro has never explained why there was such an urgency to sign the PIP, and I remain interested in knowing why.

On 11 March 2013 Peter sent an e-mail indicating he did not wish to enter into any further discussion about it. Peter presented 38 questions he wanted us to answer. The questions were not designed for clarification of the PIP, but appeared to be produced for some other purpose.

Mr. Dzuro conveniently fails to mention the pressure to sign the PIP as a matter of some **urgency**. I still do not know why this should be so urgent.

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Mr. Dzuro hypothesises that the questions were “*not designed for clarification of the PIP, but appeared to be produced for some other purpose.*” This is speculation on his part and is nothing but innuendo. In any event, if, as he states, the questions were “*produced for some other purpose*” - can Mr. Dzuro explain why:

- a) every question was asked in direct response to, and in an attempt to clarify, a specific line item in the PIP which he claims he drafted, and
- b) I did not, at any time, ever refuse to sign the PIP

Mr. Dzuro also fails to mention that I was told **that I could not sign the renewal of my employment contract until I had signed the PIP.**

He was party to this – as was Ms. Baldini and Mr. Dudley. I find this particularly interesting because I was reminded of a conversation I had with Mr. Dzuro in Starbucks on 47th Street back in about November 2012, when he stated that the renewal of my contract was a separate issue from any performance related issues and that he guaranteed it would be renewed.

I believe the attempt to use the renewal of my contract to force me to sign the PIP constitutes *coercion*.

On 13 March 2013 I wrote an e-mail to Peter offering to talk about the issues, since consultations and discussion between the staff member and FRO are mandatory.

I am unaware of any legal provision which precludes any (or even all) communications on sensitive and potentially litigious issues to be conducted in writing.

On 14 March 2013 Peter responded by e-mail in which did not accept my offer to discuss the issues, and instead he demanded that I provide written answers to his 38 questions.

Since Peter refused to verbally communicate with me, on 19 March 2013 I sent him a draft of the PIP for his information and signature.

Despite having ample opportunity to do so, Mr. Dzuro failed to address any of my questions in writing. The only logical conclusion I could reach for this failure was that he was embarrassed by the questions and unable to answer them.

Quite apart from the fact they highlighted a lack of forethought and extremely poor drafting skills on his part; I suspect he was particularly embarrassed by his inability to point to a single incident of my having done something that would show the PIP was necessary.

On 19 March 2013, Michael Dudley, Principal Deputy Director OIOS/ID invited Peter, Ms. Baldini and I for a meeting to discuss the issues, but Peter refused to discuss anything with us.

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What Mr. Dzuro conveniently omits to state is that Mr. Dudley gave me 21 minutes notice of this meeting. The PIP was clearly a very significant document, and I do not believe that 21 minutes is adequate time to read it, review it and consider its implications.

Given that Mr. Dzuro, Ms. Baldini and Mr. Dudley had a week to work on this document, 21 minutes might even be considered something of an *ambush*.

In any event, if Mr. Dudley had the slightest interest in actually trying to resolve any problems that had arisen:

1. he does not appear to have considered the possibility that the questions I raised might actually merit an answer, and
2. he manifestly failed to put anything he wished to communicate into writing.

Since Peter resisted all attempts to discuss the PIP, on 19 March 2013 Ms. Baldini submitted the draft PIP to OIOS senior management (Ms. Lapointe, Mr. Stefanovic, Mr. Dudley, Ms. Le Crichia-wenzel, Mr. Byung- Kun Min) seeking advice as to how to proceed.

On 19 March 2013, Ms. Lapointe provided her input into the PIP. It should be also noted that Ms. Lapointe provided positive feedback on the quality of the draft PIP in her email stating "I have reviewed the PIP for this employee prepared by Vlad with your involvement, and I agree it is very specific and measurable--in fact one of the better ones I have seen".

If Ms. Lapointe is of the opinion that the second draft of the PIP was "*very specific and measurable*", I respectfully disagree with her opinion.

I have no knowledge of what Ms. Lapointe may or may not have said. I was not copied on any of these communications.

Ms. LaPointe was, however, aware of the misconduct complaint related to the PIP. She called me on the telephone on 14 March, and informed me that *I had been accused* (by an as yet unidentified anonymous complainant) that another Senior Investigator in this office was somehow involved in inciting my complaint. I assured her that this was certainly not the case.

Mr. Dzuro appears to be stating that the USG/OIOS – despite being aware of a misconduct complaint - not only failed to take action on the complaint, but actively supported the parties accused of harassment and abuse of authority – and did so by personally approving the very means by which the harassment had been achieved.

Mr. Dzuro has thus framed a very a serious accusation against Ms. Lapointe. If what he says is correct, the USG would be responsible for a comprehensive

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violation of ST/SGB/2008/5, possibly even to the extent of making herself complicit in the harassment of a staff member.

Ms. Le Crichia-Wenzel sought advice from Ms. Ursula Fraser, Staff Development Officer, DM/OHRM who also provided suggestions.

I have no knowledge of what Ms. Le Crichia-Wenzel may or may not have said or done, nor what Ms. Ursula Fraser may have said or done in response. None of these communications was ever shared with me.

Ms. Fraser has since confirmed to me that she was aware of my having raised questions in response to the first draft of the PIP and that she did provide some comments which were incorporated into the second draft.

Ms. Fraser appears to have essentially confirmed that OHRM supports Mr. Dzuro's opinion and considers it appropriate that a member of staff should be subject to a PIP without the courtesy of knowing precisely what might have necessitated it, and that where ST/SGB/2010/5 states, at para 10: "*When a performance shortcoming is identified ...*" that carries no inferred requirement that the alleged performance shortcomings actually need to be communicated to the Staff Member.

Both Mr. Dzuro and OHRM are, of course, entitled to interpret ST/SGB/2010/5 in any way they chose – but unless and until that interpretation is upheld by the UNDT, I respectfully disagree.

Having received the comments from Ms. Lapointe and Ms. Fraser I incorporated those into the PIP draft.

What Mr. Dzuro is stating is that both the USG/OIOS and OHRM were aware of, and approved, the document attached at Annex A, and which I still fail to understand can possibly be interpreted as explaining:

- a) what "*proper focus*" means, how it might be achieved, and how wilful blindness to hitherto undiscovered instances of wrongdoing can possibly be in the best interests of this organisation;
- b) how a requirement to "*improve my judgement*" can really be measurable when no objective criteria were ever established to determine what constitutes sufficiently "improved" judgement, or even determine what the standard of 'adequacy' was; and
- c) how anyone can be required to minimise the number of revisions a document might "require" when documents are routinely changed for capricious reasons of differing personal preferences in the use of the English language that have no bearing on the meaning of the text. Moreover, as is clearly indicated my end-of-cycle evaluation, this office

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does not differentiate between what constitutes an “error” or what should be re-phrased on purely subjective grounds of personal preference.

The PIP document *might* have been made perfectly clear had Mr. Dzuro taken the time to answer the questions which it raised. He chose not to do so.

I may or may not be entirely alone in appreciating the irony in the fact that the PIP required me to “*improve my judgement*”.

On 22 March 2013, Peter sent me an e-mail to me indicating, amongst other things, that he had no intention of engaging in any verbal discussions with me, Ms. Baldini or Mr. Dudley. Peter also demanded a written response to his 38 questions.

On 23 March 2013, I met with Ms. Deborah Mendez, the Director of Mediation at the Ombudsman and Mediation Services office in order to explore available means to engage Peter through an independent mediation process.

Mr. Dzuro received the e-mail of 22 March at 5:44pm. He confirms, therefore, that he effectively sought the intervention of the Director of Mediation as soon as possible after receipt of my comments on his second draft of the PIP.

Mr. Dudley had earlier stated, on 19 March, that while he was “*not sure what to mediate*” it did remain an option; though I am not sure what that option may have been and Mr. Dudley does not appear to have put it in writing either.

The only change that took place from 19 March and 23 March was that Mr. Dzuro received the comments to the second draft PIP.

This would appear to suggest that either:

- a) that Mr. Dudley was mistaken in that that there was nothing to mediate,
- b) that his email of 19 March was misleading inasmuch as he had thought of something but deliberately omitted to put it in writing, or
- c) that Mr. Dzuro (*or perhaps someone else*) did successfully think of something in the period between 19 and 23 March.

In any event; the agenda for the proposed mediation meeting was never communicated to me.

Given that Mr. Dzuro admits to having contacted the Mediation Service very shortly after receipt of my comments on his second draft of the PIP; I do not believe it was entirely unreasonable of me to conclude that the purpose of the mediation meeting was to discuss the second draft of the PIP.

On 3 April 2013, I was informed by Ms. Mendez that Peter agreed to the mediation.

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I was contacted by Ms. Mendez and I agreed to the mediation. She asked me to meet with her and she explained the mediation process. I agreed to go forward on that basis.

We did not discuss any aspect of the substantive dispute; I knew that had I done so, I could later have been accused of trying to influence the Mediator.

I did not specifically ask what was to be discussed at the meeting. I knew the reason for the dispute and naturally *assumed* that the purpose of the Mediation would be to discuss the dispute, and I knew the grounds of the dispute to have been entirely related to the PIP.

On 4 April 2013, I met with Ms. Fraser to seek her guidance as to how to handle the PIP. Ms. Fraser supported my attempts to engage with Peter through the mediation process.

I cannot comment on what Ms. Fraser may or may not have said. I was not copied on these communications and neither Ms. Fraser nor anyone else from OHRM, nor from the OIOS Executive Office, made any attempt to contact me.

On 4 April 2013, I sent an e-mail to Ms. Mendez

Mr. Dzuro communicated with the mediator without copying me on those communications. Having sought the opinions of two independent arbitration and mediation professionals on this, they both stated that while this may not be a fundamental contravention of the protocols of mediation, the Mediation Service were at fault for not sharing this information with me.

Both Mr. Dzuro and I both received an e-mail from Ms. Skourlis, Mediations Assistant in the Office of Mediation Services on 4 April 2013 at 3:27 pm. I have no knowledge of any other communication.

....informing her that Peter's 2012-13 ePas cycle was concluding and there were some performance issues that would be reflected in Peter's assessment if completed at the end of the reporting cycle. I further informed Ms. Mendez that if Peter wished to we would extend the 2012-13 ePas cycle for another six months so that he could address the performance issues through a PIP before his performance appraisal was completed. The PIP presented a fair way for Peter to correct highlighted performance issues, and also avoided the prospect of an adverse performance evaluation at the end of the scheduled ePas cycle. I wanted to use the mediation process to agree with Peter on the way forward to discuss the PIP issues with me as his FRO and Ms. Baldini as his SRO.

When I met with Ms. Mendez, she made no mention of the ePAS Cycle, she only mentioned, in general terms, that there was a disagreement - which of course there was. Ms. Mendez did not discuss any aspect of the underlying complaint with me, nor would I expect her to do. She only explained to me the mediation procedure.

I agreed to the mediation meeting because there was a disagreement. That was based on the fact that I had been contacted by Ms. Mendez within a few days of responding to Mr. Dzuro with my comments on his second draft of the PIP, and

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Mr. Dzuro has now confirmed that he contacted the Mediation Service the day after receipt of my comments on the second draft.

Given the timing, I do not believe it was an unreasonable assumption on my part that the purpose of the mediation meeting would be the dispute over the terms of the PIP.

On 10 May 2013, Ms. Mendez, Peter and I met in Ms. Mendez's office. While waiting in the reception area Peter told me that obtaining copy of the PIP was the only reason he agreed with the mediation. He asked me for a copy of the PIP which I handed over to him. Peter looked through the document and told me that I should sign it first. I told him that we should proceed with the mediation, since we need to discuss more issues. He handed the PIP back to me.

Mr. Dzuro fails to mention that upon reading his *third* draft of the PIP, again I told him if he thought it was acceptable that he should sign it first and that I would append my signature second. I believe I showed him I even had a pen in my possession.

Mr. Dzuro refused to sign the PIP first.

The mediation started at 2.11 pm and was concluded at approximately 2.25pm when Peter left the room. Peter did not provide Ms. Mendez the opportunity to fully explain the purpose of the meeting or the subject of the mediation. Shortly after we were seated in Ms. Mendez's office, Peter spoke up and demanded a copy of the PIP, which I provided to him. Peter then stated that it was all he needed and shortly after he left the room.

I strongly deny that that Ms. Mendez was not given the opportunity to explain the subject of the mediation. There was discussion after I stated that I would not consider the proceedings to be strictly confidential. Ms. Mendez explained that what she meant by that was that the Mediation Service would not be called to testify for one side or the other in event of any future litigation, and I agreed to that restriction.

There was no disagreement about the process as such, only about Mr. Dzuro's unequivocal refusal to discuss the PIP. I was never given any indication that my ePAS was to be discussed at the meeting.

In any event, I fail to see how it would be possible to have any meaningful discussion about the ePAS cycle for the coming year if:

- a) the PIP was in place and was still being worked through, and, in any event,
- b) Mr. Dzuro could still not explain what I had done wrong in the period from August through to February, and
- c) given that failure, how he was going to be able to determine the extent to which I might have improved in the following six months.

Before Peter's departure I asked him whether or not he was willing to complete the 2012/2013 ePas, and if so, then he should write his self-evaluation, so that I could proceed with my evaluation as his FRO. Peter stated he was not prepared to do it.

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This is quite correct; I did refuse to discuss the ePAS; I had not been given any notice that this was to be on the agenda for the meeting.

Upon my written request, on 16 May 2013 Peter provided his self evaluation, which allowed me to proceed with this end-of-cycle evaluation.

Mr. Dzuro flatters himself. It may actually have been *someone else's* prompting.

Since 11 March 2013, Peter has been continuously refusing to discuss his performance issues with me as his FRO and also with Ms. Baldini as his SRO. Therefore I have prepared this written evaluation of Peter's performance divided into relevant categories.

My version is not exactly the same as that of Mr. Dzuro.

Since 11 March 2013, I have been trying to get answers to a number of questions about the PIP. Mr. Dzuro cannot answer any these questions, so after that date, Mr Dzuro made an effort to stay out of my sight.

Mr. Dzuro did send some e-mails about the impending end of the ePAS cycle, but these were addressed to all of the staff members for whom he is the FRO, not just to me. I did not act on them. I do not believe I received anything addressed specifically to me. In any event, I took no action, and do not believe it was entirely appropriate that I take any action while Mr. Dzuro was still unable to explain the PIP and while the PIP issue had still not been resolved.

The first time I was asked to discuss my ePAS for the coming year was in the mediation meeting on 10 May 2013 and I refused to do so.

On 13 May 2013, I made a request to the Director OIOS/ID that Mr. Dzuro be removed as my First Reporting Officer for the coming year. The Director did not act on that request.

This ePas end-of-cycle review also includes the details of instances where Peter's performance was not satisfactory. It should be further noted that information related to Peter's performance depicted in this ePas evaluation was shared with Peter both verbally and on a number of occasions in writing.

Mr. Dzuro was both unable and unwilling to explain precisely what these alleged failings may have been. He has certainly been unable to connect any alleged failings with the draft PIP.

I am aware that Peter has been demanding my written response to his 38 questions that he posed to Ms. Baldini and me in March 2013. I have explained to Peter, on a number of occasions, that ST/AI/2010/5 requires from the FRO "consultation" with the staff member and the SRO (see Section 10, paragraph 10.2). Peter's refusal to discuss with his FRO and SRO his performance and consult the drafted PIP did not allow me to pursue Peter's improvement plan any further. Instead, I had to conclude my evaluation on Peter's performance on all his four ePas goals without Peter's participation.

Mr. Dzuro is now doing precisely what I predicted was likely to happen in para 4 of my email to Mr. Stefanovic on 13 May 2013; which is that he has gone through

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absolutely everything I have done for the last 12 months desperately looking for the slightest thing that can be used to justify the PIP ex post facto.

The 2012-13 reporting cycle was a very challenging period considering the proposed restructuring process in OIOS/ID, the independent external review of the investigation practices and general budget cuts across the UN. At the same time these challenges provide a good opportunity for staff and managers to demonstrate their ability to work and manage under difficult and challenging circumstances.

I fail to see how any proposed restructuring or anything else would have a bearing on what I may have done during the period. I have little personal interest in the restructuring and never have. I have a Regular Budget Post. Having been a P4 for only two years and not having had a sideways move, I am not interested in promotion, and never have been. This is an irrelevance.

During the reporting cycle Peter struggled to perform to the standard expected of a P4 investigator, as outlined in this end-of-cycle ePas report.

Mr. Dzuro appears to struggle even more with the role of First Reporting Officer, he still cannot justify his actions.

Peter must focus on the identification of relevant facts necessary to prove the case and to present those facts in a manner that is concise, precise and comprehensible. Peter must also address his drafting skills so that he is able to produce quality investigation and assessment reports. Peter needs to improve his case management and communication skills.

This is precisely the sort of insult which Mr. Dzuro cannot substantiate.

During the next reporting cycle it will be critical that Peter improves his work performance so that he fully meets expectations as prescribed in the UN core values (professionalism, integrity and respect for diversity). Peter also has to improve his performance in teamwork, planning and organizing and accountability.

Mr. Dzuro is free to express any vacuous opinions as to what I may or may not do during the next reporting cycle, as I pointed out in my e-mail to the Director OIOS/ID on 13 May 2013; Mr. Dzuro has a clear conflict of interests in acting as my First Reporting Officer and should have been at the very least suspended from that role after he proved himself incapable of justifying the need for the PIP.

I also pointed out that I had:

“serious reservations as to (Mr. Dzuro’s) adherence to the UN Core Value of ‘Integrity’, the UN Core Competencies of Communication and Accountability and the UN Managerial Competencies of a) Leadership, b) Building Trust, c) Managing Performance and d) Judgement/Decision-making.”

I stand by that statement.

As proposed during the 23 August 2012 meeting, and as agreed by Peter he should complete a writing class and work with a PPS reviewer to understand what is required to prove the legal sufficiency of a case and seek areas to improve his report writing.

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I agreed to take the writing course and I agreed to sit in with PPS back in August 2012. Given all the patent nonsense I have seen from Mr. Dzuro and Ms. Baldini recently, I am more convinced than ever that neither is actually necessary. I do not believe that my attendance at an English language writing course would be an appropriate use of the UN budget, so I will not now attend.

I have twenty years investigative experience, am admitted to practice law in not one but three different jurisdictions in three different countries and have an LLM in International Criminal Law from a UN institution. I do not seriously consider I need to be treated like a first year law student and be told about legal sufficiency.

I have had enough articles published in enough professional journals, without any significant editing being required. Indeed, as part of an investigation I once spent several months as a freelance correspondent, successfully contributing articles to a newspaper. I do not consider there is any benefit to be had from Ms. Baldini making petty cosmetic changes to my draft reports for matters of personal stylistic preferences.

To describe this activity as “management” is simply ridiculous.

Peter must take the initiative to identify and participate in relevant training organized by the UN to assist in his professional development so that he will fully meet performance expectations at the end of the next reporting cycle.

Unless and until the UN can provide some training that I believe may actually be worthwhile, I make no undertaking to doing so

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Conclusion

What I have seen and experienced since 28 February 2013 has been nothing but an exercise in ineptitude, petty jealousies and the most egregious lack of integrity I have ever seen. I cannot believe that any of this serves the best interests of the organisation, serves the staff of this organisation, serves the justice system in this organisation or serves the Member States of this organisation.

This entire fiasco of the PIP and everything that has flowed from it - this farcical end-of-cycle review included - has been of absolutely **no** benefit whatsoever and has been nothing but a spectacular waste of everyone's time and effort.

This affair caused me to realise that OIOS/ID is so riddled with a dangerous combination of corruption and incompetence that it fails to serve a sufficiently useful purpose within the UN.

For that reason, following a conversation on 21 May 2013, I came to the conclusion that it really would be in the best interests of the organisation for at least the New York office of OIOS/ID to be closed down in its entirety and the contracts of all of the staff – myself included – be terminated.

Furthermore, in order to prevent the General Assembly simply re-inventing the same mistake, I believe any former OIOS investigator - *myself included* - should be disbarred from being re-employed in any new organisation that may be formed to replace it.

I have come to the conclusion that there is simply no real ‘accountability’ in the management of the organisation. This is what fosters a culture of corruption and incompetence.

As a consequence, I regret I have little reason to have any trust or confidence in the organisation.

Having sadly reached these opinions, it would be disingenuous of me to deny them.

In the final analysis, the final irony is that the outcome of this Rebuttal Panel is not even important. My employment contract ends on 16 March 2015 and in view of all of the foregoing, my current belief is that it is probably not likely that I shall seek a renewal.

I will, however, spend the time left before my separation working to the best of my ability.

At the same time, I will do whatever I can to address incompetence and mismanagement in the organisation wherever it exists.

Peter A Gallo
16 July 2013

**Annexes
to
Integrated Rebuttal
of
End-of-Cycle Appraisal for 1-Apr-2012 to 31-Mar-2013**

- A: Draft PIP of 28 February 2013, with questions raised on 11 March 2013**
- B: Annotated copy of Ms. Baldini's email of 23 August 2012**
- C: Summary of changes made by Ms. Baldini to Draft Report in Case 0496/11**
- D: Summary of changes made by Ms. Baldini to Referral Memo in Case 0392/12**
- E: Summary of changes made by Ms. Baldini to Draft Report in Case 0291/12**

Annex A

Draft PIP of 28 February 2013, alongside questions submitted on 11 March 2013.

Quotation from "PIP 1 March 2013 with DZV comments.doc"
 Attached to e-mail from Roberta Baldini to Peter Gallo dated
 28 Feb 2013 at 12:58 PM

Peter Gallo comments and questions

<p>Target 1. Ensure proper focus of your investigations</p> <p><i>Follow directions given by the Intake Committee and your supervisors.</i></p>	<p>This topic is entirely subjective. The determination of what constitutes "proper focus" is immeasurable and undefined. I do not believe it is appropriate to include in a Performance Improvement Plan.</p> <p>I know of no instance when I have ever failed to follow such directions.</p> <p>Q: 01 Can you cite any instances when any such failure was ever brought to my attention?</p>
<p><i>Address issues within the scope of the case.</i></p>	<p>I know of no instance where any I have failed to address any issue within the scope of the case.</p> <p>Q: 02 Can you cite any instances when any such failure was ever brought to my attention?</p> <p>There have, of course, been cases where certain lines of investigation were discontinued for lack of evidence and an Investigation Report prepared on only the remainder, but I am not aware of any such decision ever having been made without direction from my supervisor.</p>
<p><i>You must prepare an Investigator's Work Plan for each case assigned to you. The plan must be prepared on the OIOS/ID standard Investigators Work Plan template and among other items, it must include the following items:</i></p>	<p>At no time has my FRO requested sight of any such Workplan or asked to discuss interview questions with me prior to an interview.</p> <p>Q: 03 Can you provide any examples of my failure to properly plan an investigation?</p> <p>Q: 04 Can you provide any examples of my failure to properly prepare for an interview?</p>

<p><i>The reported misconduct</i></p>	<p>I was aware of this.</p> <p>Q: 05 Can you confirm if it is OIOS policy, once the Intake Committee has made a determination that some misconduct may have taken place, that the investigator is required <u>not</u> to be alert to the possibility of other misconduct or criminal offences being revealed as a consequence of the investigation?</p>
<p><i>Scope of the investigation</i></p>	<p>I was aware of this.</p> <p>However, as an ancillary point:</p> <p>Q: 06 Can you confirm if it is OIOS policy, once a misconduct investigation is underway, that the investigator is required <u>not</u> to remain alert to possible criminal offences that may have been committed by parties who were <u>not</u> UN staff members but who may have engaged in criminal behaviour which resulted in a financial loss or other disadvantage to the United Nations?</p>
<p><i>List the rules and regulations you will use in investigating the case.</i></p> <p><i>What are the elements of each rule/regulation you need to prove?</i></p> <p><i>(Make a chart where you actually divide the rule into elements and then under the element list how you will prove it. As you get the evidence list it on the chart.)</i></p> <p><i>How do you expect to prove each element?</i></p>	<p>I do believe I have the necessary qualifications and background to understand what is legally required to establish a case of misconduct.</p> <p>Q: 07 Can you provide any examples of when I did not understand these requirements?</p> <p>I dispute that such an elementary level procedures are warranted.</p>

<p><i>Who are you interviewing and why?</i></p>	<p>I was aware of this</p> <p>Q: 08 Can you provide any examples of my having interviewed any witness without knowing the reason why?</p>
<p><i>What will each witness prove?</i></p>	<p>I was aware of this.</p> <p>However, I am never entirely sure of what a witness may or may not be able to prove until such time as after I have actually interviewed them.</p>
<p><i>Wherever possible, each question should begin with:</i></p> <p><i>How</i></p> <p><i>When</i></p> <p><i>Where</i></p> <p><i>What or</i></p> <p><i>Who</i></p>	<p>I was aware of this.</p> <p>Q: 09 Can you explain the difference between an investigation and an examination-in-chief of a witness in court?</p> <p>Q: 10 Can you confirm whether the omission of the word 'why' from this is because it is an inappropriate word with which to begin a question?</p>
<p><i>NO question is to ask for speculation.</i></p>	<p>I assume the capitalisation here is deliberate and that this is presented as an absolute rule to be followed on all occasions.</p> <p>Q: 11 Can you confirm whether or not an investigator has discretion, in an interview, to test the consistency of an interviewee's answers to questions?</p>

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<p><i>Always consider whether the information you seek in the interview is going to prove an element of one of the rules you believe was contravened or you are asking the question just to satisfy your curiosity?</i></p>	<p>Q: 12 Can you please explain how, if a witness provides an answer which he states as fact, the interviewer is able to test the veracity of that statement if such discussions cannot include an indirect approach to the same issue?</p>
<p><i>Subject interviews are aimed to provide the subject with opportunity to comment on the evidence collected. Again, your questions should be focused on the issues you are investigating and they should not be asked just to satisfy your curiosity.</i></p>	<p>Q: 13 Can you provide any examples of my ever having asked a question without having had a good reason to do so?</p> <p>Q: 14 Can you please explain the difference between conducting an investigation and taking a deposition?</p>
	<p>Q: 15 Can you confirm whether or not OIOS considers that an equally important purpose for subject interviews is to gather information as to their actions?</p> <p>I am unaware of any instance when I have asked a question "just to satisfy my own curiosity", nor do I understand why I (or anyone else) should wish to do so.</p> <p>Q: 16 Can you provide any examples of where my FRO has drawn my attention to my having asked any question just to satisfy my own curiosity?</p> <p>I will <u>not</u>, however, apologise for remaining alert to the possibility of other, potentially more serious misconduct or criminal activity being revealed in the course of an interview.</p>

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 28 Feb 2013 at 12:58 PM

Peter Gallo comments and questions

	<p>Q: 17 Can you confirm that it is OIOS policy to prevent investigators being alerted to other or ancillary misconduct (previously unknown to the Intake Committee) or to criminal offences resulting in financial losses to the organisation, that may have been committed by UN Staff Members who are already subjects of one investigation?</p>
<p><i>Each Investigator’s Work Plan and your interview plans in Q&A format is to be reviewed by your FRO prior to commencing your case activities.</i></p>	<p>Q: 18 Can you cite any occasion when my FRO expressed interest in seeing either a workplan or pre-prepared questions prior to an interview?</p>
<p>Target 2. Judgement</p>	<p><u>This topic is entirely subjective. It is immeasurable and I do not believe it is appropriate to include in a Performance Improvement Plan.</u></p>
<p><i>Modify your language to meet the situation.</i></p>	<p>I know of no instance when I have ever failed to appropriately modify my language. I know of no such failure ever having been brought to my attention. Q: 19 Can you provide any examples of my failure to modify my language to the situation?</p>
<p><i>Be aware of culturally insensitive comments, those comments which are sexist, or those which are inappropriate in a multi-cultural, multi-political environment.</i></p>	<p>I am unaware of any justification for the inclusion of this sentence. It is innuendo. Q: 20 Can you provide any credible examples of my having made any offensive comments which were sexist?</p>

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Peter Gallo comments and questions

	<p>Q: 21 Can you provide any credible examples of my having made any offensive comments which were racist?</p> <p>Q: 22 Can you explain the significance of "multi-political"?</p> <p>Q: 23 Can you confirm whether if it is OIOS policy to disallow any expression of political opinion or expression of disagreement on a political matter?</p>
<p><i>Don't ask questions which ask for a witness to speculate</i></p>	<p>See questions 10 and 11 above.</p>
<p><i>Don't ask what the witness's opinion might be, only focus on facts. .</i></p>	<p>Q: 24 Can you provide any examples of any occasion when I have unjustifiably asked a witness to express an opinion?</p> <p>Q: 25 Can you confirm whether or not an investigator has discretion, in an interview, to ask questions designed to assess any latent degree of prejudice or bias that an interviewee may have and which may impact on his answers?</p>
<p><i>Do not interject your opinion into a document, especially NTF, reports or any other document which may have to be handed over to the AoJ Tribunal, ALS or OSLA.</i></p>	<p>Q: 26 Can you provide examples of anything which is unsubstantiated "opinion" and which is not relevant to the case, which I have "interjected" into a document?</p> <p>Q: 27 Can you confirm whether it is OIOS policy to deliberately withhold information, from either the UNDT or any other Third Party, when that information may be material to those parties</p>

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	<p>either:</p> <p>a) making an executive decision on the basis of an Investigation Report, or</p> <p>b) understanding the basis on which the investigation was conducted?</p>
<p><i>Attend diversity training.</i></p>	<p>Q: 28 Can you identify the specific training course you refer to? Q: 28a Can you confirm that a vacancy for this course will be available for me prior to the end of the PIP term, or what alternative proposals will apply if it is not?</p>
<p>Target 3. Writing</p>	<p><u>This topic is largely subjective. Everything apart from the secretarial or clerical aspects are immeasurable and I do not believe it is appropriate to include in a Performance Improvement Plan.</u></p>
<p><i>The aim is improve your drafting skills, so that you can produce documents with the least number of errors or re-writes. The documents you produce should be written in a crisp, clean and concise fashion.</i></p>	<p>I was aware of this.</p> <p>I also understand there is a need to present all the relevant information required by the decision maker.</p>
<p><i>Make sure your reports are verified by a peer before submitting them to your FRO.</i></p>	<p>I believe there were two occasions when I did not do this. Both were occasions when a report was largely completed just prior to my going on a period of absence.</p> <p>On both of these occasions, it was made clear that:</p> <ol style="list-style-type: none"> 1) this was a <u>draft</u>, meaning that it was <i>not yet finalised</i>, 2) the document was given to my FRO for the purpose of alerting

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	<p>him as to the content of the report, not to exhibit is as the final product, and</p> <p>3) that in view of the exigency of my imminent departure, that the report had specifically not been previously subjected to a peer review.</p> <p>I have never had any objection to having my reports verified by someone else prior to being finalised; this is a practice I have consistently followed for the past 20 years.</p>
<p><i>Ask a peer to review your report prior to submission to your FRO.</i></p>	<p>I repeat: under exception of the two occasions referred to above, I have always done this.</p> <p>For the record, however, if – as experience suggests – my FRO will not even look at anything that is half-finished, <u>I do not understand how this can be reconciled with his responsibility to actually provide meaningful supervision.</u></p>
<p><i>Your reports should not contain:</i></p> <p><i>Spelling errors, always use spell check.</i></p> <p><i>Errors of grammar or punctuation.</i></p> <p><i>Run-on sentences</i></p>	<p>These are <u>clerical or secretarial functions</u>, which although an ancillary part of any office work, remain skills for which I was never principally employed, and in which I never claimed any great proficiency.</p>
	<p>Q: 29 Can you confirm if it is UN or OIOS policy to require a P4 level professional staff member be subject to a PIP for shortcomings in typing or clerical skills for which they were never recruited?</p> <p>Q: 30 Can you confirm if it is UN or OIOS policy to require</p>

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	<p>professional level staff members to be fully proficient in secretarial or clerical skills in which they were never trained and are not employed?</p>
<p><i>Opinions</i></p>	<p>Q: 31 Can you provide any examples of opinions, speculations, or conclusions of law made in any report written by me?</p>
<p><i>Speculation/Assumptions</i></p>	
<p><i>Conclusions of law</i></p>	<p>Q: 32 Can you confirm that an assumption – which although clearly identified as an assumption - is not a valid factor in the assessment of whether or not a statement made by an interviewee is true or false?</p>
<p><i>Your reports should contain:</i></p>	<p>I was aware of this.</p>
<p><i>Topic sentences for each new paragraph and at each new topic a new paragraph.</i></p>	<p>Q: 33 Can you confirm whether or not OIOS recognises discretion on the part of the author in determining what constitutes a new topic for the purposes of commencement of a new paragraph? (<i>If not, in whom is this authority vested?</i>)</p>
<p><i>All footnotes must be reflected accurately and must provide the evidence to support your assertions of fact.</i></p>	<p>I was aware of this.</p>
<p><i>Just the FACTS.</i></p>	<p>Q: 34 Can you provide an acceptable OIOS definition of a “fact”? Q: 35 Does OIOS make any differentiation between what a witness says and what can be proven to have happened?</p>

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	<p>Q: 36 Can you advise whether or not an investigator is permitted to introduce information to confirm or contradict any statement provided by a witness?</p>
<p><i>When drafting, you should always ask yourself why you are telling the reader something.</i></p>	<p>I was aware of this.</p>
<p><i>You must take a Writing class.</i></p>	<p>Q: 37 Can you identify the specific writing course you refer to? Q: 37a Can you confirm that a vacancy for this course will be available for me prior to the end of the PIP term, or what alternative proposals will apply if it is not?</p>
<p><i>You must spend at least two working days with the staff of PPS working on a case review, so that you better understand what is required for a report to be cleared for issuance.</i></p>	<p>This was raised at the August meeting, and I have spoken with Suzette Schulz about it on more than one occasion, she had no objection but it would – not unreasonably - require some scheduling on her part. She has not yet come back to me with an appointment date. I was not aware that it was my place to demand that she arrange her sections time or workload to accommodate me.</p>
<p><i>You should read issued investigations reports to see what is required to meet the requirements of an investigation report for a legally sufficient report. Ask Suzette Schultz for good examples of reports that are well written and legally sufficient.</i></p>	<p>I was requested to obtain copies of such reports at the meeting in August and did so. On one occasion that I recall, Roberta Baldini was shown the assembled folder of such reports that I had prepared. Q: 38 Did anyone enquire of Suzette Schultz whether or not she had provided these documents?</p>

Annex B

Annotated copy of Ms. Baldini's email of 23 August 2012

Text	Comment
<p>Dear Peter:</p> <p>As per our discussion earlier today, I want to reiterate that you are a valuable team member, but I notice that you are struggling to meet expectations. This is a summary of our discussion and some suggestions for how to improve. Also we need to know how can we help you with your job? This is an open question and can change daily. So far you mentioned that operational support is a challenge for you and you are feeling a bit overwhelmed by it.</p>	<p>The thing which is overwhelming is the total lack of support. I explained that I knew from experience that what happens is that admin details take time, and this detracts from doing</p> <p>The example I gave is that if there is no one else available to go to the Post Office, then I would have to go myself; so I waste 20 minutes posting a letter instead of actually <i>thinking</i>, or doing something that will actually further the investigation or achieve the client's objective.</p> <p>Time taken to do simple clerical tasks eats into the time available to do professional work, and because it is a process that requires to be done and documented, invariable takes on a greater importance than the intellectual effort required to plan and carry out the investigation.</p>
<p>Here is a list of areas we discussed which need improvement. We discussed three areas to work on. Let's discuss your progress again on or about 1 Oct. Again, my wish for you is that you will succeed here.</p>	
<p>Focus</p>	
<p>The impression we have is that it is difficult, just now, for you to figure out how to focus an investigation.</p> <p>We discussed methods of doing that including:</p>	<p>This is Ms. Baldini's <u>impression</u>. It is not something she can substantiate. NO instances have been cited of my having investigated the wrong thing, for example.</p>

<p>Can you spot the relevant issues? You must write a work plan for each case. The work plan must contain the following, among the case specific items, some of which may be the same.</p>	<p>On the contrary – Ms. Baldini has a history of refusing to act on patent evidence of other examples of misconduct as well as blatant criminal offences that were disclosed in the course of an investigation.</p>
<p>Interviews:</p> <p>What are you trying to establish with the interview? What are the elements of specified contraventions need to be established? Why does this witness contribute to establishing those elements?</p> <p>Interview Questions:</p> <p>Facts related to how, what, when, where and who. Facts about which the witness has knowledge rather than speculation or opinion Facts that make more or less probable a matter of consequence to the elements of any contravention</p> <p>Following instructions- greater attention to detail. You should ask Vlad to review each interview, prior to the interview. (Roberta, only if Vlad is unavailable).</p>	<p>I have studied the interviews carried out by Ms. Baldini in case 0344/10, which are documents 17 through 034 in the CITRIX case folder.</p> <p>These were of a very poor standard. Had that been produced by an investigator in the private sector, the work would <u>not be acceptable</u>, and I say that on the basis of my 18 years experience.</p> <p>Ms. Baldini has been manifestly unable to point to a single instance of my having carried out an interview badly.</p> <p>Ms. Baldini has been similarly unable to point out a single question, in any interview, that was unwarranted or which did not contribute to the achieving the purpose of the interview.</p> <p>Still, having been told I had to address the matter of interviewing, I studied the interviews of Ms. Angela Kane conducted by Mr. Dzero on 8 June 2012, and the interview he conducted with Ms Susana Malcorra on 2 August 2012, and then the interview he conducted with Ms. Neeta Tolani on</p>

	<p>11 September 2012; I have absolutely no idea what “facts” any of these interviews actually established.</p> <p>Indeed, I am not even sure what the intent was.</p>
<p>Report Writing</p> <p>The aim is to have least number of rewrites.</p> <p>Clear, concise, factual writing with few spelling, punctuation or grammatical errors in the drafts.</p> <p>Ask yourself, why you are including something in the report. How does it advance the investigation and support the findings?</p> <p>Did you establish each element of each contravention? If not, why is that? Is this a closure?</p> <p>Pay attention to detail, such as footnotes, references and labels</p>	<p>Indeed, as a stand-alone statement, each of these points makes perfect sense. The only problems here are two-fold:</p> <ol style="list-style-type: none"> 1) Neither Ms. Baldini nor Mr. Dzuro appear to accept that information has varying degrees of reliability. This does not make any of it a “fact”. If a witness is interviewed and says ‘x, y & z’ - the only “fact” that exists is that the witness stated ‘x, y & z’. It does not mean that ‘x, y & z’ necessarily happened or are factual in any way. If it is not possible to introduce other information to cast doubt on the statement, or even to conclude that ‘x, y & z’ is a falsehood, the only thing being done is that we are taking statements and there is no actual investigation being carried. How well this meets the OIOS mandate, I am not entirely sure and nobody seems to be willing to engage in any sort of debate on the matter. 2) Given the vagaries of the English language, it is not humanly possible to guarantee that what one person may believe is clear and

	<p>concise, and has few spelling, punctuation or grammatical errors, will be necessarily be fully acceptable to somebody else. In particular, if Ms. Baldini insists on making numerous stylistic changes, which are made for matters of personal preference rather than the violation of any rule of grammar; it is simply never going to be possible to meet the objective.</p> <p>In any case, what Ms. Baldini appears to require is that draft documents are “perfect” from their first writing, where “perfect” is defined by her own subjective standard which has no consistency.</p> <p>If this were possible, there would be no need for a Professional Practices Section.</p>
<p>Reports to use the standard OIOS format</p> <p>Meet with PPS reviewer at least 2 times to understand what they need to show that a case is legally sufficient and what they see in your reports. (Let's arrange this together with Suzette).</p>	<p>I did approach PPS about this. Suzette Schultz was busy and if I am guilty of anything, it is probably for not <u>demanding</u> that this be arranged at my convenience rather than hers.</p> <p>Given that (1) I am prepared to stack my legal qualifications and my investigative experience up against anyone in PPS, and also (2) that I have reservations about the OIOS practice of withholding information from the ALS and the UNDT, I keep an open mind as to how much such meetings might contribute.</p>
<p>Writing class (I have asked for information on how you register for such a class).</p>	<p>If this was what she wanted – regardless of my own</p>

	<p>views on the matter, I was prepared to go along with it. As it turned out, there was one course but it was fully booked and I am not even sure it was for native English speakers.</p>
<p>Judgement</p> <p>Use appropriate language bearing in mind culture, gender, relative experience, etc.</p> <p>Modify tone and language depending on the situation</p>	<p>Ms. Baldini has said this on a number of occasions; while it is perfectly true, I am still unclear why she feels it necessary to repeat it.</p> <p>What exactly is she referring to?</p> <p>I am unaware of any occasion when I failed to do this – and am unaware of any occasion when anyone alleged that I had.</p>
<p>Pay greater attention to time management.</p>	<p>Given that Ms. Baldini then took 17 days to make a few comments, of marginal value, in 0291/11 – it is noted for the sake of completeness.</p>

Annex C

Summary of changes made by Ms. Baldini to Draft Report in Case 0496/11.

Rebuttal Annex C: Summary of changes made by Ms. Baldini to Draft Report in Case 0496/11.

The original text, [written by me, reviewed by Mr. Dzuro and extensively edited by Mr. Moreton] stated in para 2 that the staff member “*was enrolled in the VBI program*”. Ms. Baldini changed this to read “*was enrolled in the VanBreda International [VBI] insurance programme.*”

The original text referred to US\$ 28,656.97 as being “*reimbursed by the staff member when challenged.*” Ms. Baldini changed this to read “*reimbursed by the staff member when her claims were challenged.*”

In para 8, Ms. Baldini added the explanatory words “*a self-funded health plan*” after ‘*The VBI programme*’.

In para 15, Ms. Baldini required to know the last date on which a website had been accessed. This was the website address from which staff members could obtain a claim form. Even if this were to change, it would not affect the case against the individual.

In para 10, Ms. Baldini required a footnote to explain the source of the statement that the subject was at the FS-4/13 level, wishing to know whether the information came from her Official Status File or from the iMIS system.

In para 18, it was stated that “*The VBI Report indicated that [the subject] had submitted a substantial claim for reimbursement of an invoice from Drugcorner Pharmacy in Jordan*”. Ms. Baldini asked for clarification of which city in Jordan it was.

From the context of the report, it is clear that the point of the sentence is not to indicate the specific pharmacy but to relay the information that this was what had been in the VBI report. If it was necessary to name the city; I am unable to explain why it is appropriate to stop at the city? Why not ask for the full street address?

Ms. Baldini then changed ‘*layout of the invoice*’ to ‘*form of the invoice.*’

Para 20 Ms. Baldini made 11 changes to a list describing a set of supporting documents that VBI had provided. In every instance the original text read:

Claim Form signed by [the subject] and dated [claim date] with an invoice from [the pharmacy] for medication purporting to be supplied on [sale date]

Ms. Baldini changed these to read:

Claim Form signed and submitted by [the subject] and dated [claim date] supported by an alleged invoice from [the pharmacy] for medication purportedly supplied on [sale date].

In para 21, the original text read:

All of the disputed claims were in respect of medical treatments allegedly received by [the subject]’s husband; Mr. [Full Name], who was covered by

VBI as the dependant spouse of the staff member. The main part of the claim was for the cost of two drugs, Cellcept and Prograf. These are anti-rejection drugs required by patients who have received a kidney transplant.

Ms. Baldini changed this to read:

All of the disputed claims were with respect to medical treatment allegedly received by [the subject]'s husband; Mr. [Full Name], who was covered by VBI as the staff member's dependant spouse. The main part of the claim was for the cost of two drugs, Cellcept and Prograf, anti-rejection drugs, required by patients who have received a kidney transplant.

In para 24, Ms. Baldini added the name of the name of Pharmacy chain: "Pharmacy 1" to sub-para (i) so she changed the original:

Pharmacy 1 confirmed to VBI, in an e-mail from Mr. [Full Name] dated 4 May 2011, that: (i) the named patient was not known to the branch;

so instead it read:

Pharmacy 1 confirmed to VBI, in an e-mail from Mr. [Full Name] dated 4 May 2011, that: (i) the named patient was not known to the branch of Pharmacy1;

I fail to see how this unnecessary repetition is any sort of improvement.

In para 27, Ms. Baldini changed the original:

On 27 September 2008, he had required a kidney transplant, which was carried out in Jordan and because of this, requires medication daily.

In order for it to read:

On 27 September 2008, he required a kidney transplant, which was carried out in Jordan. As a result of the transplant, he requires daily medication.

Does this have any bearing on the validity or effectiveness of the report?

In Para 31, the original text read:

Having offered the excuse that she had to supply medication to her husband when it was not available locally to her husband in Baghdad, OIOS asked [the subject] what steps she had taken to solve the problem of supplying medication to a patient in Iraq.

Ms. Baldini deleted the two words "*the excuse*" from the first line. She also objected to this sentence being in the passive voice, wished it to be re-written as an active sentence, and asked. "*Do you need to prove this?*"

Given that para 31 is clearly just a statement of why a certain question had been put to the subject, I am not entirely sure what should be "proved."

The response is in the following sentence, para 32, where Ms. Baldini added a comment where the original text read:

"Ms. [name redacted] replied that she never raised the problem with VBI, nor did she seek advice from the Staff Welfare services in either of the Missions she was employed in, nor did she consider that the UN Mission in Iraq might have been able to assist her."

Ms. Baldini added the following comments:

“Is she required to do this? Why is this relevant to the report? Is this a fact you are putting forward? If not, why is it here?”

Those points can be answered

- 1) The subject was not under any legal obligation to do so. The explanation she put forward in her own defence, however, was that she had had no alternative but to deal with an unidentified Third Party because she had to send to medications to her husband in Iraq.

Having offered this as an explanation for her action, the question was asked to find out what steps she might have taken to solve the [alleged] problem from the resources at her disposal.

The subject clearly could not show that she had taken any steps to find out how the problem might be resolved.

- 2) It is this relevant to the report because it shows how the subject was unable to substantiate the information she had earlier offered.
- 3) Ms. Baldini asks if this is a “fact”. The facts here are that the explanation was offered by the subject, a question was asked by the investigator and the subject’s reply indicated that the subject had not considered asking either VBI or the UN might help in the resolution of a problem involving the provision of medication to an individual covered by the UN medical insurance programme.

The statement was footnoted. Had Ms. Baldini actually read the footnote she would have realized that the report reflected what the subject said.

I am not entirely sure why the question of whether this was “a fact” even had to be asked.

In para 33, Ms. Baldini changed “*concerns as to the legitimacy of the invoices*” to read “*concerns regarding the invoices’ legitimacy.*”

In para 35, Ms. Baldini changed “*VBI had not queried anything with the hospital*” to read “*VBI had not made inquiries with the hospital.*”

In para 38, Ms. Baldini changed the original:

“Following the explanation that she first offered them, VBI wrote to [the subject] on 5 August 2011 asking about the person who she had said obtained the medication on her behalf”

so it read:

“Following the explanation first offered by [the subject], VBI wrote to her on 5 August 2011 asking about the person who she had said obtained the medication on her behalf.”

In para 40, Ms. Baldini changed the original:

“However, upon learning from that VBI that they disputed the authenticity of the Pharmacy receipts, [the subject] said that she tried to find Achmed but was unable to do so. She said she only had a phone number for him; this was no longer in operation as he had left the country.”

She edited it to read:

“However, upon learning from VBI they disputed the authenticity of the Pharmacy receipts, [the subject] said that she tried to find Achmed, but was unable to do so. She said she only had a phone number for him. The number was no longer in operation, as he had left the country.”

With regard to ‘Achmed’ having left the country, Ms. Baldini added the annotation: *“How does she know this? Does she offer any evidence? If not do we want to remove this?”*

The original sentence was perfectly clear. Referring to what the subject had said, it began with the words “She said”. Any ambiguity could only arise from Ms. Baldini having split one sentence into two.

In any event, the statement is clearly footnoted. Ms. Baldini’s alleged “review” of the investigation clearly did not extend to reading the footnotes; had she done so she would have known her question was unnecessary.

In para 46, Ms. Baldini changed “Investigation Division” to OIOS.

- **None of these changes can seriously be described as ‘material’.**
- **None has any bearing on the substance of the report.**
- **Nothing, in either the changes or the comments, indicates any inadequacy or failure in the investigation.**

Annex D

Summary of changes made by Ms. Baldini to Referral Memo in Case 0392/12

Rebuttal Annex D: Summary of changes made by Ms. Baldini to Referral Memo in Case 0392/12.

- a) Ms. Baldini changed the name of the company from ‘N4 Trucks Ltd’ to ‘4 Trucks Ltd.’ Unfortunately, the name of the company was, in fact, written correct in the first place - as Ms. Baldini would have known had she taken the time to look at the attached document. She patently did not do so.
- b) Ms. Baldini changed “*N4 Trucks Limited, together with their associates, was privy to information*” to “*N4 Trucks Limited, together with their associates were privy to information.*” I will not get into an argument over whether the company should be singular or plural, or whether the primary subject of the sentence was the company alone or the company and their associates combined.
- c) Ms. Baldini expanded IED to read Improvised Explosive Device – presumably to avoid the risk that after the words “mine blast” someone might assume that an armoured vehicle in Somalia had to be protected from the Inspection and Evaluation Division.
- d) Ms. Baldini removed the letter ‘s’ from the word manufacturers (plural) – though whether entity that produced the vehicle should be singular or plural is a matter for debate, but then having decided that ‘manufacturer’ was singular not plural, she then failed to change word ‘were’ to ‘was’

Para 2 originally read:

The complainant also alleges that the vehicle was never subjected to any land mine blast or IED testing and that the manufacturers were deceptive in creating the impression that their vehicle was related to another proven South African vehicle with which he claims it does not have any connection.

- e) Ms. Baldini objected to the use of the word “*their*” despite it being clear from the context, and being mention after the manufacturer. I do not believe that any reasonably literate person reading the sentence would confuse the meaning anyway.
- f) Ms. Baldini objected to the use of the word “*he*” despite it being clear from the context that it refers to the complainant. In any case, I fail to see any realistic risk of confusion here.
- g) Ms. Baldini sought clarification of the words “*with which (he) claims it does not have any connection.*” – asking “*Does this person indicated (sic) that there is no connection or does he imply there is a connection? Please clarify.*”

- **This is all in connection with a covering note, the purpose of which was simply to draw attention to the other documents attached.**
- **None of these changes can seriously be described as material, or even as “adding value” in any significant way.**

Annex E

Summary of changes made by Ms. Baldini to Draft Report in Case 0291/12.

Rebuttal Annex E: Summary of changes made by Ms. Baldini to Draft Report in Case 0291/12.

This report had to be called an investigation report not a closure report, only because it was referred by the Ethics Office. In any other circumstance, it would have been called a Closure Report.

In Para 9, Ms. Baldini changed “I” to “*where she*” – which was a necessary change which I had missed, and was caused by having cut and pasted the text from the subject interview and not revising it. My fault.

Ms. Baldini also required a citation to the paragraph describing the implicated staff member, to show where the information had come from.

In Para 10, Ms Baldini changed the text:

“The OIOS investigation was limited, as far as possible, to the matter of retaliation”

to read instead:

“The OIOS investigation addressed the matter of retaliation.”

In para 17, Ms. Baldini changed:

“The focus of the investigation was limited to establishing whether or not the adverse statements...”

to read instead:

“The focus of the investigation was to establishing (sic) whether the adverse statements...”

In para 20, Ms. Baldini removed the word ‘clearly’ from where I had written “Mr. [Complainant] *was clearly unsatisfied.*”

In para 21, Ms. Baldini raised a question as to the identity of a Third Party where I had written:

“Mr. [Complainant] and Mr.[Third Party] met with Ms. [Subject] on 9 December 2011 in order to express their dissatisfaction at not having been selected for the P-4 Revisers posts.”

The Mr. [Third Party] referred to in the paragraph was, of course, another person who had not been selected for the P-4 Reviser post. Had the meeting been disputed, he *might* have been a witness. I am not entirely sure how any additional information would have a material bearing on the case but so be it.

In para 24, Ms. Baldini deleted the word “had” – which changed the tense of the verb in the sentence but had absolutely no bearing on the meaning.

In Para 26, Ms. Baldini changed the original text:

“Ms [Subject] also agreed with the two staff members. She recalled”

to read instead

“Ms [Subject] also confirmed what the two staff members recalled of the meeting. She recalled...”

In para 29, Ms. Baldini changed the original text, which read *“there does not appear to be any evidence to indicate that the complaint was not being made in good faith”* by deleting the word ‘being.’ This changed the tense of the verb, which has the effect of making a subtle change in the meaning.

The original intent was to convey that there was no such evidence at the time. Ms. Baldini changed that to remove the contemporary element from the determination that that there was no evidence now.

In this instance, in the final analysis it makes no difference; but the change was not necessary.

In para 33, Ms. Baldini removed underlining that had been added for the sake of emphasis.

In para 38, Ms. Baldini removed the word ‘patently’, which again removed the emphasis. Given that an element of subjectivity existed in the subject matter, there is a strong argument that emphasis is warranted.

In para 44, Ms. Baldini raises the perfectly valid and justifiable point that two witnesses are named, but their position is not explained.

In para 47, and again in para 52, Ms. Baldini called for clarification of the text which read:

“The former Under-Secretary-General [named] was requested to confirm if he had informed [the subject] of the petition he received on 19 December 2011. In the reply received through his former assistant, he has not indicated ever having done so.”

Ms. Baldini asked that this be made clear. I do not believe the meaning is obscure or unclear: The former USG was asked if he had told the subject about the petition. He did not reply directly. Instead, his former assistant replied to OIOS and said that he (meaning the former USG) had not done so.

In para 48 Ms. Baldini removed the word causal from the term “causal connection”, notwithstanding the connection being referred to is a causal one.

In the ‘Findings’ in para 50, Ms. Baldini changed the words “must refer” to just “refers”, in a situation where motive has to be attributed to the later action.

Given that the purpose of an investigation carried out under ST/SGB/2005/21 (as this was) essentially involves the elimination of a multiplicity of alternatives, I believe the inclusion of something implying a logical conclusion is probably appropriate.

- **None of these changes can seriously be described as ‘material’.**
- **None has any bearing on the substance of the report.**
- **Nothing, in either the changes or the comments, indicates any inadequacy or failure in the investigation.**