

25 March 2019

Unanswered as at 20 May

His Excellency Mr. António Guterres
Secretary-General
United Nations
New York, NY 10017

Your Excellency,

re: Ms. Heidi Mendoza

Will the Secretary-General kindly make a public statement in response to the recent appearance of Under-Secretary-General of the Office Internal Oversight Services at an event sponsored by the Philippine Consulate General in New York marking International Women's Day?

Ms. Mendoza has been on medical leave since June 2018.

During that period, however, she has clearly been well enough to involve herself in domestic politics in her home country, defending her previous colleagues and now also making public statements critical of democratically elected politicians in what appears to have been a violation of Staff Regulation 1.2(f).

I am informed she has been well enough to visit New York more than once, and now, it seems, she is also well enough to be “honoured” by the Philippine Consulate in what may be a violation of Staff Regulation 1.2(j) – unless, of course, she obtained prior approval for this event.

If so, that begs the question of why such permission would have been granted as she has not, apparently been well enough to actually do any work for the last eight months.

Moreover, as the head of an oversight body, the perception is that by accepting such honour, Ms. Mendoza makes herself vulnerable to undue influence, such that it might be tempting to offer a *quid pro quo*. Deservedly or not, this will now cast doubts on the integrity of any OIOS investigation that clears a Filipino staff member of misconduct

You should already be aware of multiple complaints of *cronyism* in OIOS since she was appointed, with staff being unhappy at the irregular appointment of Filipinos she worked with in the past.

To her credit however, Ms. Mendoza has never made any secret of her intention to simply use the position of Under-Secretary-General/OIOS as a springboard for her own political career. She may be taking advantage of the Organization, but her attitude towards the investigation of misconduct and upholding the Staff Regulations and Rules is patently one of indifference more than hypocrisy.

Ms. Mendoza, who never applied for the post she now holds, was appointed under highly suspicious circumstances without any significant due diligence being conducted. Upon taking up her post, however, she immediately repaid the favour to the Department of Management by endorsing their unwillingness to address the proven corruption in the OIOS Investigation Division.

That corruption, curiously enough, has included convenient medical leave for senior OIOS officials

whose conduct has been called into question.

The issue to be addressed here is not limited to Ms. Mendoza's lamentable lack of leadership, but more specifically the one issue she has assiduously avoided addressing; and that is the credibility of OIOS.

Does the Secretary-General believe that the ordinary staff member can have any confidence in OIOS investigating complaints either diligently or independently?

This is not simply a Public Relations issue. Ms. Mendoza's apparent contempt for the standards of behaviour expected of her once again sends a clear message to other UN staff members; that OIOS officials are routinely excused for misconduct that is often far more egregious than the allegations against others that they investigate.

What incentive does the ordinary staff member have to report misconduct or co-operate with an OIOS investigation when it is apparent that the Organization's only interest in the Staff Regulations and Rules is as a means of oppressing staff members who lack political patronage. Known in the Philippines as *cronyism*, this stands in stark antipathy against the Rule of Law that the UN claims to promote.

In my experience, the Organization's usual response to evidence of misconduct by senior officials is inaction. On this occasion, however, while I believe it appropriate that you have an opportunity to respond, this is not a matter that I believe should be covered up.

It ought to be emphasised that staff members operating in conflict areas put their lives at risk on a daily, while assisting vulnerable men, women and children. The staff of the United Nations deserves better, and must have at their disposal a supportive and ethical Organization.

Yours faithfully



Peter A Gallo
Attorney

- cc. Ms. María Fernanda Espinosa Garcés, President, General Assembly
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