

Ms. Henrietta Fore
Executive Director
UNICEF
3 United Nations Plaza
New York, NY 10017

17 March 2019

Dear Ms. Fore,

Aahooja -v- Secretary-General. (UNDT/2019/033)

The captioned UNDT judgement, published on 27 February this year, may or may not have been brought to your attention, but I believe you should be made aware of it. It demonstrates such serious shortcomings in the management of your Office of Internal Audit and Investigations that it raises very grave concerns as to their competence to investigate *any* complaints against UNICEF staff members who are accused of fraud, the exploitation or abuse of children or indeed any other misconduct.

The investigator who conducted this particular investigation was clearly unqualified and unsuited for the role she was assigned, though I believe she has been employed in OIAI for over ten years. What is of significantly greater concern, however, is the patently inadequate supervision of her work.

The current OIAI Chief of Investigations, Mr. Jason Uliana, was formerly an OIOS investigator who mismanaged the investigation into the sexual abuse of a minor. (See *Applicant, UNDT/2016/022.*) The fact he was promoted into a senior position in OIAI suggests that he nevertheless received a "Meets Expectations" rating in his Annual Appraisals from OIOS.

One would expect that any OIAI Chief of Investigations had a duty to keep himself apprised of UNDT judgements that had a bearing on how investigations had to be conducted within the UN system, so the implication would appear to be that UNICEF either simply failed to identify - or was willing to overlook - the public record of Mr. Uliana's poor performance when appointing him.

The previous OIAI Chief however was Mr. Kevin Curtis, who is known to have a close personal relationship with certain individuals in OIOS. One should perhaps not exclude the possibility that he might have been deliberately misled by OIOS as to Mr. Uliana's record, though what such an excuse says for his investigative abilities is another matter for you.

In any event, if the investigator responsible for the Aahooja case is to be sanctioned for mismanaging that investigation, she must be permitted to ask why the same was not done when others in OIAI have been similarly negligent.

Moreover, one must conclude that Mr. Curtis bears the responsibility for the inadequate supervision of the Aahooja investigation, so I am slightly surprised to find that he still remains in OIAI as "*Principal Adviser Investigations.*" Evidence suggests that he reached retirement age and had to vacate that post, but was immediately retained as a 'consultant' so he might continue to enjoy an income from UNICEF.

This also begs the question of who approved this arrangement, and why it was considered necessary.

I have also been informed that yet another former OIOS investigator, Ms. Beverley Mulley, is now also employed by OIAI. She was the individual who carried out the retaliatory and completely biased

“investigation” that absolved her own boss of any wrongdoing despite his admission that he withheld material evidence in an investigation. (See *Nguyen-Kropp & Postica UNDT/2013/176*)

You may also wish to be aware that a misconduct complaint was made about Ms Mulley giving an incorrect answer when testifying during the hearing in that case, under circumstances that cannot be reasonably described as anything other than an attempt to mislead the Tribunal.

The Judge also had to remind her that she was under oath in relation to her evidence on other matters.

I have personal knowledge of this; I witnessed it and made the complaint against Ms. Mulley, though it is up to you to explore why OIOS declined to pursue the matter.

How UNICEF chooses to enforce the standards of efficiency, competence and integrity expected of an international civil servant (particularly one in an investigative role) is a matter for you, but the question now is: ***How can any Member State, any staff member or indeed any member of the public who is asked to donate to UNICEF, have any confidence in any investigation carried out by OIAI?***

The management of OIOA is clearly in need of close scrutiny by an independent and external body to address a number of pressing questions, including:

- Who was primarily responsible for the direct supervision of the Aahooja investigation?
- How was such an egregiously flawed Investigation Report approved and released by OIAI??
- What was done to address or resolve the issue of the loss of critical evidence in that case before completion of the investigation report?
- Why did UNICEF legal counsel not appreciate that the OIAI investigation report failed to prove misconduct to the required legal standard?
- How many *other* investigations have been conducted by OIAI with a comparable degree of blatant incompetence?

and

- How many UNICEF staff members still retain a grievance against the Organization as a consequence of action taken following an OIOA investigation?

The harm this judgement causes to UNICEF's reputation should not be under-estimated. Your investigators clearly cannot command the respect of other staff members and any investigation report published by OIAI in the future will be tainted by suspicion of the incompetence indicated here.

Would you be willing to issue a public statement in response to this judgement?

Yours faithfully



Peter A Gallo
Attorney

cc Mr. Peter Mason, General Counsel, UNICEF
Ms. Najwa Mekki, Chief, Media Section, UNICEF