

Introduction

Consideration

From: Alain Danloy <alain.danloy@undp.org>

Sent: Wednesday, September 11, 2024 8:46 AM

To: Federica Midiri <federica.midiri@undp.org>

Cc: Ophelie Kerckhove <ophelie.kerckhove@undp.org>

Subject: RE: Brice Ahouissou case

Dear Federica, Regarding the case against Mr. Brice Ahouissou, the allegations: Misrepresentation, Forgery, False Certification, Theft and Embezzlement, Fraud, Procurement Fraud, Abuse of Authority,

Entitlements Fraud, Failure to Comply with Financial Disclosure Obligations and improper Recruitment were all established by the investigation, which further assessed the total financial loss suffered by UNDP as a result of Mr. Ahouissou's actions, at \$1,240,984.06 and that the draft IR will shortly be shared with the subject in accordance with the Investigation guidelines (I need our Director's signature but for her to read 170 pages long IR might take few days).

Thank you Federica, Regarding the case against Mr. Brice Ahouissou, the allegations: Misrepresentation, Forgery, False Certification, Theft and Embezzlement, Fraud, Procurement Fraud, Abuse of Authority, Entitlements Fraud, Failure to Comply with Financial Disclosure Obligations and improper Recruitment were all established by the investigation, which further assessed the total financial loss suffered by UNDP as a result of Mr. Ahouissou's actions, at \$1,240,984.06 and that the draft IR will shortly be shared with the subject in accordance with the Investigation guidelines (I need our Director's signature but for her to read 170 pages long IR might take few days).

Scope of the review

The law

(d) Deductions from salaries and other emoluments may also be made for: [...]

(ii) indebtedness to the United Nations[.]

(b) Where the Secretary-General determines that a staff member's

Kalambi

71. *Indeed, the record in this case is devoid of details about the investigation at all. Even today, we do not know what was investigated, whether the investigation was ever completed, and if so, what it found about the “possible fraud”. This absence of evidence is astounding given over four years of systematic monitoring, the passage of two and a half years since OIOS was first notified of the allegations of possible fraud and began to investigate, and more than a year after the disputed decision to withhold the Applicant’s separation entitlements and pension paperwork “until the investigation has been concluded and the findings support the imposition of financial recovery ...” Despite the OIOS promise giving rise to the decision that “[a]s per normal practice, OIOS will issue reports for each staff member at the completion of its investigations, with an indication of the quantified MIP fraud should this be established,” No report has been presented to the Tribunal.*

76. *... The record in this case lacks any evidence whatsoever of the nature of the alleged fraud, how the Organization suffered any financial loss, and how any alleged financial loss was calculated.*

Bisimwa

64. *... the Tribunal was not told what evidence OIOS uncovered over the course of its year and a half investigation. Indeed, the few crumbs of “evidence” that were produced in this case were contradictory and unreliable.*

65. *The Respondent argues that the Organization is entitled to rely on the OIOS Memorandum and assessment of the financial loss (referencing Loto 2022-UNAT-1292, para 80). However, the memorandum in this case consists of a single conclusory statement “(OIOS) received allegations of possible medical insurance*

provider (MIP) fraud ...” and the assessment of financial loss is merely another conclusory statement that “[p]ossible maximum USD liability for the Applicant was USD10,232.20.”

66. *In essence, the USG/DMSPC was presented with the same paucity of evidence that was given to this Tribunal. was presented with the same paucity of evidence that was given to this Tribunal.*

67. *This is in marked contrast to the evidence provided to the Organization in Loto. There, UNAT observed that the OIOS Memorandum and the Code Cable “provided a detailed description of the unsatisfactory conduct, the names of the implicated staff member(s), and specifics as to where and when the unsatisfactory conduct occurred ... These documents, supported by the information obtained by OIOS during the investigation, including Mr. Lotto’s interview with OIOS, led the Administration to conclude that it was more likely than not (preponderance of evidence) that Mr. Lotto had engaged in the above-described misconduct.” Of course, here the Administration was given no evidence whatsoever, and certainly not*

Mutiso

delay is also a component to be considered in the determination of disciplinary proceedings and that includes the timely completion of an investigation.

*CH v. International Bank for Reconstruction and
Development*

Kabila

Accordingly, it is reasonable to conclude that the pension paperwork should be sent to UNJSPF around the date of the staff member's separation. Indeed, it would be unfair for the Organization to benefit (at the expense of the staff member) for any institutional inefficiencies, whether for this particular duty station or in general

