

United Nations  Nations Unies

HEADQUARTERS • SIEGE NEW YORK, NY 10017

TEL.: 1 (212) 963.1234 • FAX: 1 (212) 963.4879

5 May 2005

Dear Mr. Stephanides,

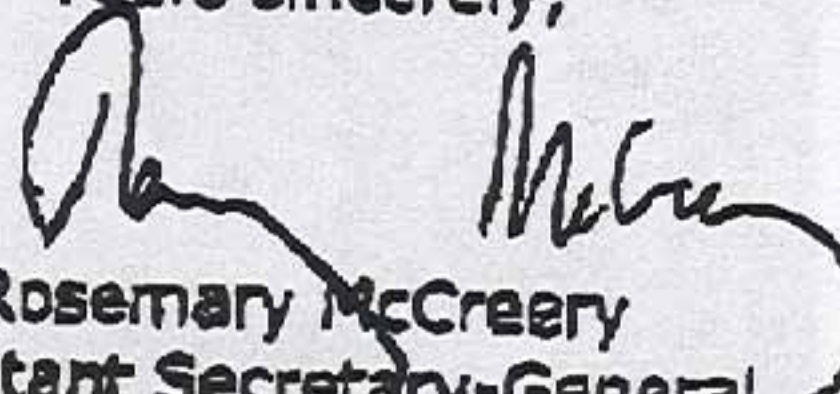
I refer to your comments, dated 23 February 2005, responding to the charges of misconduct of 8 February 2005 that were sent to you. We regret the delay in responding, which was due to the need to obtain additional information in the light of your comments.

On page 9 of your comments, you state that "[t]he IIC made reference to interviews with unidentified members of the UK mission", and that "it should be pointed out that [you] have not seen the testimony nor have [you] had a chance to clarify the statements with the witnesses. For purposes of disciplinary action, such hearsay testimony cannot be used as evidence or even to draw inferences unless and until [you] are given an opportunity to examine it."

We have approached the IIC and the United Kingdom Mission to the United Nations, requesting that the IIC's records of interview with United Kingdom Mission officials be released in connection with your disciplinary case. We have just been informed by the United Kingdom Mission that it is "prepared to disclose to the United Nations and to Mr. Stephanides relevant information held by the United Kingdom Government provided that the United Nations and Mr. Stephanides agree to keep the information confidential and only use it in relation to [Mr. Stephanides'] disciplinary proceedings." The letter emphasizes that "none of the information, in whole or in part, may be disclosed to any third party without the prior written consent of the [United Kingdom] Government."

The United Kingdom Mission has asked for confirmation that both the Organization and yourself agree to the terms on which it is prepared to release the requested information. The Organization will confirm its own agreement. We would be grateful for your confirmation that you agree to abide by the conditions set out by the United Kingdom Mission.

Yours sincerely,



Rosemary McCreery  
Assistant Secretary-General  
for Human Resources Management

Mr. Joseph Stephanides

cc: Mr. George Irving



10 May 2005

**Ms. Rosemary McCreery**  
**Assistant Secretary-General**  
**for Human Resources Management**  
**United Nations**  
**New York, NY 10017**

Dear Ms. McCreery,

With reference to your letter of 5 May 2005, I have noted with appreciation your acknowledgment of the concerns expressed in my letter of 23 February 2005 concerning the evidentiary value of certain information referred to in the IIC Report emanating from United Kingdom officials. I understand from your letter that the United Kingdom Mission to the United Nations has now advised that it is prepared to disclose relevant information provided that the United Nations and I agree to keep the information confidential and use it only in relation to any disciplinary proceedings of which I am the object. It is stipulated, in particular, that none of the information may be disclosed to any third party without the prior consent of the UK Government.

I am aware of, and appreciate the general obligation of confidentiality attached to all disciplinary proceedings by the UN. I am fully prepared to respect this obligation. However, it appears that the request for confidentiality of the UK Mission may run counter to basic UN rules on disciplinary procedures. Obviously, I would require clarification that this is not the case before agreeing to the UK conditions.

From the limited information that has been provided it does not appear that the offer of the UK Government addresses my first concern, which is an essential element in UN disciplinary procedures. If the information provided by the UK is for the purpose of possible disciplinary action, the UK officials, former and present, who provided the information to the IIC, would have to be made available to explain and offer needed clarifications of their statements. Neither I, nor, I believe, the UN, can accept any limitation on this right at all stages of the disciplinary process, including, if need be, at the level of the UN Administrative Tribunal or other judicial proceedings. Naturally this would include the right of full disclosure to potential third party witnesses whose testimony might be required to confirm or dispute the statements in question.

I must add that I face a conceptual problem in agreeing to be bound by an undertaking without knowing more of the background of the UK offer than has so far been made known to me. It would be helpful if the relevant correspondence of the UN Administration with the UK Mission on the subject could be made available to me. I



would also appreciate confirmation of my understanding that any information provided by the UK mission will be made available to me at the same time as it is made available to the UN.

I should be grateful if you could elicit as a matter of urgency the necessary clarification from the Permanent Mission of the United Kingdom to the United Nations and advise me how you wish to proceed. I trust you agree that given the long delay in bringing this matter to closure, it is essential, in the interest of justice and fairness, that this matter be disposed of within the two-week extension of the suspension that was imposed on me last February.

Sincerely yours,



Joseph Stephanides

cc: Mr. G. Irving



11 May 2005

Dear Mr. Stephanides,

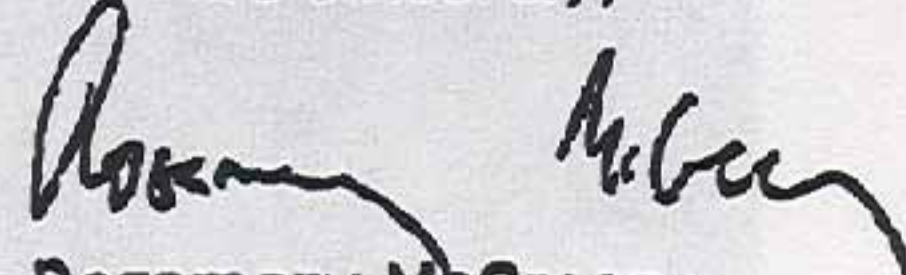
I refer to your letter of 10 May 2005, responding to my letter to you of 5 May 2005.

In my letter of 5 May 2005, we informed you of the conditions under which the United Kingdom Mission to the UN offered to make available to the United Nations and to you information relevant to your case.

The Organization has informed the Mission of its agreement to the conditions imposed by the Mission. We also informed the Mission that the information could be used during all stages of United Nations disciplinary proceedings, up to and including the United Nations Administrative Tribunal, and reconfirmed that none of the information, in whole or in part, would be disclosed to any third party without the prior written consent of the United Kingdom Government. On the basis of these undertakings, the Mission has released the information to the United Nations.

We would be grateful if you would inform us at your earliest convenience whether you intend to abide by the conditions set out by the Mission.

Yours sincerely,



Rosemary McCreery  
Assistant Secretary-General  
for Human Resources Management

cc: Mr. George Irving



12 May 2005

Ms. Rosemary McCreery  
Assistant Secretary-General  
for Human Resources Management  
United Nations  
New York, NY 10017

Dear Ms. McCreery,

I appreciate the promptness of your response of 11 May 2005. You inform me that the United Nations Organization has accepted the conditions of confidentiality imposed by the Permanent Mission of the United Kingdom to the United Nations for the release of the material relevant to the charges against me. In doing so, I must assume those responsible are confident that my interests as a staff member are protected under applicable regulations pertaining to disciplinary procedures at whatever level.

It has taken nearly three months for the reply of the United Kingdom to be given, despite the United Nations' repeated requests and a further extension of my suspension. The United Kingdom has insisted that the material be made equally available to me. This is both proper and recognizes the need for absolute fairness in the use of the material in any proceedings. However, the availability of the material provides only a part of what is needed. The charge made by the United Nations is not whether the IIC interim report fairly reflects the information provided by the United Kingdom. It is whether my conduct, in particular my contacts with the United Kingdom as a member of the 661 Committee, amounted to misconduct as your letter of 8 February 2005 alleges. To assess that, it is necessary to know what happened. Notes taken by the IIC during interviews with United Kingdom diplomats may not be accurate, and can only be corrected by direct testimony from the officials concerned. Documents passing between the United Kingdom and the United Nations may reveal an incomplete story unless the full exchanges are also made available.

Accordingly, I have to make clear that my consent to be bound by the confidentiality of these documents is conditional on (a) the availability to me and the United Nations of any United Kingdom officials from whom the IIC obtained information relevant to the subject matter, (b) the provision of all relevant exchanges between the United Kingdom and the United Nations concerning this subject matter and (c) the right to disclose any documentation to my counsel as well as to potential witnesses. Without this guarantee, the information in question may not be used in a disciplinary proceeding under present



Administrative Tribunal jurisprudence [see for example Judgement No 1095, *Plasa* (2003)] and the entire question of its release is moot.

On the understanding that this material may only be used subject to these conditions, I trust that the material provided by the United Kingdom Mission can be given to me immediately and that you will inform me how the Organization intends to proceed so that this case may be brought to closure promptly within the timeframe of the already extended suspension imposed on me.

I have been suspended for more than three months, with the most damaging publicity attached, without yet knowing what evidence has to be addressed, or even whether the United Nations has a basis for pursuing disciplinary measures. The prospect that the matter should drag on for a further indefinite period is unacceptable.

Sincerely yours,



Joseph Stephanides

cc: Mr. G. Irving



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13 May 2005

Dear Mr. Stephanides,

I refer to your letter of 12 May 2005, responding to my letter of 11 May 2005.

With respect to your request that United Kingdom officials from whom the IIC obtained information relevant to the subject matter be made available for direct testimony, please note that we are not in a position to make this commitment.


Regarding your request for copies of all exchanges between the United Kingdom Mission and the United Nations concerning the subject matter, please note that this correspondence has no bearing on the substance of the documents provided by the Mission.

With respect to your request that the information to be provided be shared with your counsel, we confirm that the information may be shared with your counsel. Please note that, should you wish to share the information with any other person, including "potential witnesses", you would need to submit to us a specific request, identifying the person(s), in order to enable us to consult with the Mission on that request.

We would appreciate your providing us with a definitive answer, no later than c.o.b. Monday, 16 May 2005, on whether you wish to receive the subject information based on the conditions set forth by the Mission, and on the clarifications provided above. Should you respond in the affirmative, we will send the information to you on Tuesday, 17 May 2005, and you will be asked to submit any additional comments you wish to make by Tuesday, 24 May 2005. Should you decline the opportunity to review the information, the case will nevertheless proceed.

In view of the above, we have decided to extend your suspension from duty through 31 May 2005.

Yours sincerely,

  
Rosemary McCreery  
Assistant Secretary-General  
Office of Human Resources Management

cc: Mr. George Irving



16 May 2005

Ms. Rosemary McCreery  
Assistant Secretary-General  
for Human Resources Management  
United Nations  
New York, NY 10017

Dear Ms. McCreery,

I have taken careful note of the points made in your letter of 13 May 2005. To my regret, I have concluded that they do not provide the assurances I have required in order to consent to the restrictions placed on the release of information, which could compromise my right to due process. I therefore have to state once again that I cannot consent without the safeguards I have outlined in my letters of 10 and 12 May 2005.

I wish to assure you that my interest is to see this matter concluded as quickly as possible in a fair and just manner so that I can resume my duties as a responsible member of the Secretariat. I very much hope that we can now move forward to resolve this matter without further delay.

Sincerely yours,



Joseph Stephanides

cc: Mr. G. Irving



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REFERENCE:

31 May 2005

**Strictly Confidential**

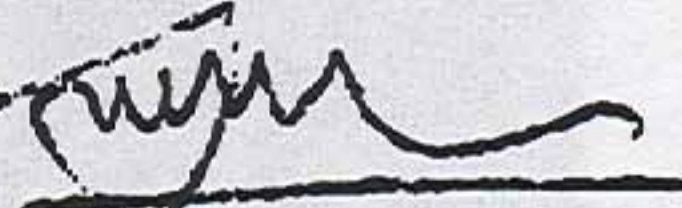
Dear Mr. Stephanides,

I regret to inform you that the Secretary-General has decided that you be summarily dismissed for serious misconduct, in accordance with the second paragraph of the United Nations staff regulation 10.2.

The Secretary-General's decision is based on the finding that you divulged information to the United Kingdom Mission to the United Nations on the amount of the bid submitted by Lloyd's competitor before the United Kingdom Mission submitted its letter, dated 8 August 1996, to the Iraq Steering Committee transmitting Lloyd's revised bid. In divulging the above information to the United Kingdom Mission, you tainted, and actively participated in prejudicing and preempting, the procurement process for the award of the humanitarian goods inspections contract to Lloyd's, and violated the requirement for equal treatment of and fairness to all bidders in the competitive process.

The Secretary-General has concluded that your conduct is inconsistent with the standards of conduct expected of international civil servants, and that the patent nature and the gravity of your misconduct warrant immediate separation from service.

Your dismissal shall be effective immediately. In accordance with the United Nations Staff Regulations and Rules, you shall not be given pay in lieu of notice, termination indemnity, or repatriation grant.

  
Andrew Toh  
Officer-in-Charge  
Department of Management

cc: Mr. George Irving