

# **THE INDEPENDENT INQUIRY COMMITTEE INTO THE UNITED NATIONS OIL-FOR-FOOD PROGRAMME**

## **Investigations Guidelines**

The Independent Inquiry Committee into the United Nations Oil-for-Food Programme [the "IIC"] is investigating allegations concerning the United Nations Oil-For-Food Programme in Iraq [the "OFFP"] pursuant to the mandate provided by the United Nations. Investigations will be conducted in a number of national jurisdictions by investigative teams composed of specialists from different countries and disciplines, including investigation, law, finance, forensics and audit.

These Guidelines are intended to provide a common set of procedural principles for IIC staff in their conduct of this Inquiry. Except as specifically authorized by the Executive Director of the IIC, the Guidelines and its principles are to be adhered to by IIC staff. The Guidelines, however, do not and are not intended to confer, impose or imply any duties, obligations or rights that are enforceable in any court of law or administrative proceedings.

### **A. Impartiality and Conflicts of Interest**

1. The IIC will carry out its work impartially and objectively and without influence by any individual or group, regardless of their status.
2. Any IIC staff member who has a potential or actual conflict of interest, including but not limited to any personal, financial, or other relationship with any individual or entity involved with the IIC's inquiry, shall report the nature of the actual or potential conflict and any other relevant information in writing to the Executive Director or a member of the Committee.

### **B. Initiation of Investigative Activity**

1. Allegations of violations of laws, rules, or other improper activity in connection with the OFFP shall be accepted by IIC staff from all persons or entities and should be recorded so that they may be evaluated and acted on promptly.
2. Information received by the IIC, whether formally or informally, and the identities of complainants (persons who submit allegations to the IIC) shall be protected from unauthorized disclosure, i.e. disclosure not authorized by the Executive Director or the IIC Chairman on behalf of the Committee.
3. Decisions on investigation planning, strategy and assignments rest with the Executive Director in consultation with the Committee and its investigative management.

**C. Conduct of Investigations**

1. Investigative activity shall include but not be limited to:
  - (a) the collection and analysis of documents, records, materials, and other information;
  - (b) the gathering of video, audio, photographic or computer forensic evidence;
  - (c) interviews of witnesses; and
  - (d) the review and analysis of information provided by witnesses and by individuals and entities against whom allegations have been made.
  
2. Witness Interviews:
  - (a) To the extent possible, witness interviews should be conducted in the presence of two members of the IIC or its staff;
  - (b) Witness interviews may also be conducted by the Committee panel;
  - (c) A written record should be prepared of all witness interviews, whether in person or by telephone;
  - (d) Witness interviews should be conducted in the language of the person being interviewed using independent interpreters, unless otherwise agreed;
  - (e) During a witness interview investigators shall provide the individual or entity with the opportunity to identify and produce any witnesses or evidence that should be considered by the Committee;
  - (f) No person shall have the right to the presence of a legal representative during an interview with an investigator(s) or a member of the Committee;
  - (g) Before the Committee makes an adverse finding against any person or entity in a written report, such person or entity shall be informed of the proposed finding(s) and the information upon which it is based, and may make representations thereon personally, or with a legal representative to place before the Committee relevant additional information or written submissions with regard to such finding(s).
  
3. Documentary Evidence:
  - (a) Documentary evidence shall be collected and maintained in a manner that identifies its source or origin; how and where it was received; date received; and the name and signature of the collecting or receiving investigator. To the extent practicable, a written record of this information shall be prepared and maintained by the collecting or receiving investigator; and
  - (b) Evidence shall be stored in a secure, designated location.

4. Investigative activities should give due consideration to the applicable laws of the country where such activities occur.
5. The IIC may retain and utilize the services of other experts who will be subject to the confidentiality provisions of these Guidelines.
6. Investigative activity and critical decisions shall be documented and reviewed regularly with the managers of the investigative teams and with the Executive Director.

**D. Confidentiality of Information**

1. The IIC may determine that special measures to ensure confidentiality of sources or witnesses are required and may include: use of a confidential source registry and designation; limits to access to information about identities of such persons; and use of normal file protection.
2. If it is established that a witness or other person assisting the IIC has suffered retaliation because of the assistance he or she has provided, the Executive Director will engage the United Nations Office of Internal Oversight Services or other appropriate entity to undertake appropriate actions.
3. If there has been any unauthorized disclosure of information by any IIC staff member, the fact of such disclosure will be reported by the Executive Director to the IIC Chairman so that prompt corrective action can be taken, which may include: removal of the IIC staff member and notification to the affected person(s).

**E. Reports of Findings**

1. The standard for evaluating evidence that would result in a finding shall generally be "reasonably sufficient evidence."
2. Consideration will be given to referring investigative information and findings to the appropriate national governmental authority.