

# Appendix J

Meeting with the Committee  
March 8/05  
0930, 15<sup>th</sup> Floor conference room

Agenda

0930

Committee meets privately

1000

1. March xx, 2005 Interim Report
  - a) Cotecna/Kofi/Kojo draft chapter
  - b) Re-interview Kofi Annan?
  - c) Nair
2. Work going forward, especially mid-year report. See "Landscape" doc
3. Tracking work progress. See draft tracking table examples
4. Adverse Finding Process
5. US proposal re presence of SDNY investigators at State Dept interviews
6. Letters to witnesses warned away from talking to IIC by the FBI
7. Payment of Pierre Mouselli's legal fees
8. [REDACTED]

Meeting with the Committee, March 8, 2005

Richard Goldstone, Robert Parton, Paul Volcker (& Mark Pieth by phone).

PAV: Not read the latest – only bits and pieces. Going over fundamental points and then lots of questions about remaining work. Are there any open questions that have to be done in the next few days? May have some bearing on what can be said. General feeling – Richard has written some stuff, as did Mark, I am in agreement –

RG: Express my views which reflect the other views – at the outset we have a great deal of admiration for the inquiry. Hugely detailed and intense. Unique to the UN. Will go to the credit of the committee and we are very grateful. The investigation must all stay in, no question about not reporting everything we have found. My general comment is that many parts of the report – well, our problem is with the findings. They should stay at the end and not be at the beginning. My general comment is that they read more like a prosecution case than a judgment, which is understandable because it has been written by prosecutors.

There isn't nearly adequate reference to the version of the SG or his denials – need to start off on the assumption that he is innocent and go from there. The burden is on us and we need to start with his denials. Can't make an assumption without regard to his denial that he didn't remember his meeting with Massey. We have to make a positive finding that neither he nor Kojo was relevant to the choice of Cotecna. It is a crucial finding and we need to make it positively, not in the current fashion.

Next crucial issue relates to the knowledge of the SG – this is a debate that Reid and I have been having for weeks. I am really not able to find, even on a balance of probabilities that KA lied to us when he said he didn't remember or that his memory was refreshed. I did not get the impression in my two interviews with him that he was lying. He wasn't the most impressive witness, but I wouldn't reach the conclusion that he was being dishonest. Can't make a positive finding that he lied about Massey particularly given the fact of his schedule. Massey is clearly a crook and he would not likely have raised the Cotecna contract with the SG at that meeting. He would have been at least fearful that the SG would have blown the whistle. We know that prior to that there had been given to the SG a package of lies by Cotecna and his son. There was clearly concealment which is inconsistent with his being a party. This is the view at the moment of the three members of the committee that he did not have a conflict of interest in fact and we have to make a positive finding to that effect. Other people will come to other views and if we get flack, then so be it. No reason to shrink from making a positive finding. Clearly there was a potential conflict, and had he known – if he knew he should have done something about it. So my ultimate conclusion is that the adverse findings we can and should make against him relate to the investigation he did later.

I have other less serious problems with the wording of the findings. I think there is a fundamental difference in the findings against the SG and all the other people – Sevan, Stephanides – because we could only make this finding on the basis of circumstantial evidence and the testimony of witnesses who lie. We have no smoking guns. It is really a question of his denial on the one side and whether there is sufficient

evidence on the other side to disbelieve that. I don't think there is, but we need to discuss it and I am not suggesting that everyone needs to agree.

█: One part of the findings talks about the SG being in a position to know – should have known – what are your feelings about this?

RG: I don't know what that means and I don't see how it takes us any further.

█: I agree – I was troubled by that.

█: What about the recent information that has come to light for example on paragraph 6. There is lots of information out there that we have not yet found. We will continue to find things over the next few months whether we like it or not.

RG: That's fine if the investigation has to go on.

█: Just yesterday they produced documents that we had never seen.

PV: The question is are we missing something?

█: Email has to do with a fax that Kojo apparently sent to the SG and that paragraph 6 was based on this. Appears to place him in that chain.

PV: That is one of the areas I am confused about.

Mark: But it contains false information.

RG: But should he have known that.

█: This is the fax that they produced.

RG: But I am not sure this takes it any further.

█: It puts the SG ...

RG: But he said the info came from Kojo.

Mark: This is an example of where we need to talk to him again.

RG: But where does this come from?

█: From the SG's attorney.

RG: But this wasn't found in the UN.

Mark: what is odd is that we are getting info from the SG's counsel on other witnesses that we have talked to and they continue to produce things after they have said they produced everything.

RG: I don't see why this takes anything further?

█: I think it completes the picture. It shows that the source of the info is from Cotecna and it is sent from Wilson sent it to the SG.

RG: I don't see that this takes my analysis any further.

Mark: the thing that bothers me about this is that this information wasn't available when we questioned people. There may be a chance that this would have been helpful.

RG: What bothers me about this document is that it is exculpatory not inculpatory.

PAV: I want a brief description of the two letters. What happened?

█: It is unclear how the signed version evolves.

PAV: I don't get it. Kofi called Riza, right? Then what? Can someone write down a chronology of the Connor report for me?

█: When all this happens the SG is not in NY and it is not a report, it is just for internal information, not for the public.

PAV: What was done with the memorandum at that point?

RP: Press conference by Mills saying they had looked into the issues.

PAV: So it was an oral response to the question.

RP: In 2004, they make additional statements and refer to it as an investigation.

PAV: When they referred to it is 1999 did they have the longer version?

RP: They were using the longer version.

█: Aren't there three issues: one is was it appropriate for the SG to inject himself into the fact finding process.

RG: I don't know any father who wouldn't do exactly that.

█: That is one issue and the other is the questions we cant answer, and then the third issue is what did the UN do with the information?

RG: I find nothing wrong with the SG doing those initial inquiries as long as he referred it to Riza, which he did.

PAV: What bothers me is that no one in that organization has blown the wistle or hinted after all this time – explain that to me.

Mark: we don't have people like that.

█: Part of the reason is that almost everyone who works there can only stay in the US as long as they are in the UN.

PAV: Didn't seem to bother them when they were dealing with the issue of sexual harassment.

█: One possibility is that there is nothing wrong.

PAV: That is what I am wondering.

Mark: I would never rely on that.

RP: No one came forward in the 1996 process.

█: No one has even come forward on Sevan, even after our report.

RG: Well he was a small time player.

Mark: no – that's not true. There is more info.

RG: Well, I hope so!

Mark: also we are gone after the end of the year, so no one is going to trust us.

PAV: I'm not drawing sweeping conclusions, but I am afraid that we will do this report and then someone will leak something.

Mark: there may be a range of more sinister things, but it is a real problem that no one knows who wrote the note.

PAV: But it is not illogical that the guy who is dead wrote it.

RP: Either Mills or Riza.

█: I like Riza – and the SG says Riza gave him the unsigned version.

Mark: Eckhard and his assistants immediately send out feelers when something like this happens.

PAV: Let me ask the opposite question – you talk to a lot of people who deny that there was any influence in the process. Do you suspect that anyone is not being candid about influence.

RP: There is an open question about OIP and what happened there.

RG: Is there any evidence?

RP: There is a Cotecna employee who says "if you find the person within the UN who drove the cost increase agreement, then you will find the person who made the agreement with Elie Massey about the increase. Then we have the whole communication issue – there was a timeframe prior to the RFP when Lloyds submitted a proposal with all of the complicated technical info – this didn't get included in the RFP. The technical people say they don't know why Scheer or Sevan didn't include it. Scheer says they made a mistake.

■: What was her explanation?

RP: She doesn't have one.

■: What about Jeremy Owen?

RP: He is in London.

■: But weren't they still lower?

RP: Sure, but you can't look at that in isolation because of the continuing increases.

PAV: Are you suggesting collusion?

RP: We don't have evidence of it.

■: Are there similar amendments to Lloyds?

■: It almost doubles.

RG: But look, this is not Kofi, shouldn't we stay with that?

■: but we do discuss the fact of this amendment in the report, but it is left hanging.

PAV: Well my general feeling about the report is that if you accuse him of lying, he is gone and I don't know if we have the evidence to make that accusation – but, we have a lot of unexplained business. The facts will speak for themselves, but we can't conclude that he lied. But other people may conclude that.

■: Do you want the findings to say that the inconsistencies speak for themselves?

PAV: I don't think so.

RG: I would have to go further, I was at two interviews and I did not get the impression that he was lying.

RP: Well, I disagree – I thought he was not forthcoming. Do I have proof beyond a reasonable doubt? No.

RG: I didn't think he was impressive but I did not think he was consciously lying to us. It was more incoherent than a dishonest version. Someone who creates a dishonest version sticks to it.

RP: I disagree with you. Sometimes when someone creates a story they have a hard time sticking to it because it is not true.

■: I don't think he knowingly lied – I think he got himself badly conflicted over his duties as SG and father. Culturally there are very strong drivers in his own culture to look after family first. That is the maximum that I would say. He may have been incoherent or vaguely recalled these things – I don't think he was actively lying. In the kind of job that he has he sees hundreds of people every week.

RG: The big issue is whether we can find, on whatever test that we find to be appropriate, is whether he knew that Cotecna was competing.

RP: His testimony is conflicting, but when you put it in context of the whole, do you disbelieve everything that Wilson said about his meetings and then you combine and overlay that with the SG's confused testimony. And then you add additional facts to the whole picture. They may not stand on their own to string someone up for lying, but they are there. There is the September 18 meeting – of course he could have forgotten, but it is more unusual to forget a meeting with your son's boss than another person. You start adding up a collection of individual points – maybe no one of them is sufficient alone but when you add them together I don't believe him on our standard of proof.

■: What don't you believe?

RP: I believe that he knew of Cotecna's interest in the contract before Dec. 31, 1998 and that he had discussions about the conflict of interest wrt his son before then as well. He may not remember that now, but it is a reasonable inference that he is lying.

RG: Assuming he knew of that conflict, why didn't he do anything about it either way?

█: He says his son would resign.

RG: But this is earlier –

RP: The conversation with Wilson takes place between Lloyd's fall out and December.

RG: But he could have blown the whistle without hurting his son, so why didn't he?

RP: I don't know why – I could speculate. There is a political cost to doing those things.

RG: I put into the weighing exercise the cost of his knowing about it and not doing something.

█: What would the cost be?

RP: Saying that his son worked there and they were competing.

PAV: But he met Massey earlier, right? What was known on September 18 when they met?

█: Explains.

PAV: So we don't know that they knew the contract would be coming up for bid?

RP: No specific info, no.

PAV: Suppose they did know and they mentioned it in the meeting, why wouldn't the SG have done something?

RG: This is what is not in the report. It is a one sided report and you must put these questions in the mix.

PAV: I would think that he would have said to get my son the hell out of there.

RP: Of course, but I have put a lot of people in jail and none of them had good explanations for what they did.

RG: This is some evidence that he didn't know.

RP: The SG tells us that he told his kids to stay away from the UN and then Kojo is attending the GA meetings.

PAV: There is a lot of evidence that Kojo is a problem.

RP: It goes to your question about why he did not extricate himself and his son from this situation – well, he wanted his son to stay away from the UN and then knows that he does not and doesn't do anything.

█: I have had problems with this from the start – there is no problem with the fact that he is at the meetings.

RP: But what about the series of memos saying machinery, etc.

█: Those could be innocent.

RP: Right – but we don't know either way.

█: You are making an assertion that I can't agree with.

RP: OK

Mark: one of the difficulties I have is that this comes down to the behavior of the particular official in question.

█: I don't think there is any question that Cotecna hired Kojo for his connections and Kojo was only too happy to trade on his name.

PAV: There is no question about that. Tell me about Kojo getting the oil allocation. I thought that was when Kofi told him again to stay away wrt Yamani.

█: Well Kojo asks to be put in contact with an oil overseer.

PAV: Well did they stay away after Kofi told them to or not?

RP: They resigned from the AHT board of directors.

PAV: So did they stay away or not?

RP: We don't know because we have no financial information. Explains about Hazy etc.

PAV: Was there any evidence that Kojo was involved in this allocation?

█: No - not for this company.

PAV: didn't they talk to the Iraqi ambassador?

RP: We have people interviewing him tomorrow.

█: and they then had lunch with the SG and told him about this.

█: So that is one areas where Kofi had knowledge and didn't do anything. That is the point that he is saying one thing and doing other things that conflict his policy.

RP: Mouselli is no angel but he is also not as bad as we thought. Explains. He is no doubt a shylock, but maybe not a criminal. Says that he signed a contract with Mouselli and Cotecna will produce that tomorrow.

█: When we have the statements in the report about the lunch with the SG - to my recollection it is the only time that we have included in the report the statements of an individual that is not corroborated

RP: That is not true.

Mark: we have used this elsewhere.

█: but the substance of the meeting is uncorroborated. It seems to me we have this issue looming out there of his attorneys fees - do we have to disclose in the report that we paid for his attorneys fees.

RG: I don't know about this.

█: explains that we can't use his testimony until we decide whether or not we pay for his attorney's fees.

█: I have concerns about Mouselli's testimony with respect to his visits to the Iraqi embassy because it could have been for a lot of reasons.

RG: If we are going to put those in the report, we have to ask the SG. There are two ways of dealing with it - put it in and don't attach credibility or put it to him. Speaking for myself I wouldn't put much credibility on what Mouselli says.

█: Why not?

RG: Because having regard to Mouselli's past, his connection to Kojo, his uncertainty with regard to the statement.

RP: He wasn't so much uncertain about it happening as about the specifics in his memory.

PAV: What are we talking about?

RP: The lunch meeting in Africa with the SG on September 4, 1998.

PAV: and remind me what they talked about?

RP: Cotecna's business in Nigeria and going to the Iraqi embassy and their interest in the oil business.



RM: The issue I am raising is that if you want to talk to the SG then it is logistically difficult.

PAV: Why can't we show him the report?

RM: We haven't done it with anyone else.

PAV: I don't care! Why can't we make an exception?

Mark: you will fight over everything with his lawyers.

RM: Much better to re-interview him.

Mark: if you want to lay out more facts in a letter, that's fine.

RM: I don't think we should give a special deal to the SG.

PAV: I have an open mind about it. You're not the one who will get criticized, I am!

RM: We have logistical problems with his being away and the timing.

PAV: I agree. May be impossible.

RM: We might just have to delay the report a week. We should follow the same procedures.

PAV: Either Kofi is gone or he is not gone. It is not dependent on his lawyers.

RM: I wouldn't walk him through the report. Do an interview, and then the same kind of adverse findings letters we did for everyone else.

RM: According to your plan the most damaging parts of the report will not be disclosed to the SG because they are not part of the findings.

RM: But he has been asked about all of these things already.

RG: There are findings against the others that I agree with, but they should be more bolstered by reasoning.

RM: Clearly we could go to wherever the SG is and interview him there.

PAV: Well the schedule isn't vital.

RM: I don't understand the point made about the findings?

RG: I am particularly talking about the findings on the Masseys. I think we need to give the reasons behind them.

PAV: Give me the rationale about why we are making findings on the people outside the UN?

RM: Because our terms of reference include the UN contractors.

RM: On the findings when we talk about improper influence ...

RG: But if we go along the lines that I think we should go, this is not going to be there.

RM: I do think we have to have a finding about the PD and how they fell down by not doing the inquiry.

RM: Is it against the department or the individual? We dealt with this last time.

RG: Can I just ask – should the lack of a proper inquiry be something that should have been dealt with by the auditors?

RM: I think so, yes.

RG: If so, we should say something.

RM: There is a fair argument that both the internal and external auditors missed it.

PAV: I am bothered by the fact that we make these findings and the guy gets fired for a mistake – he gets killed.

Mark: we can say the PD as a systemic failure.

●: I disagree -- the big thing is accountability and how can you make that argument against a department?

Mark: then I would distinguish it from the findings we make against others for illicit activities.

●: If in our read Cotecna shouldn't have been in the door and should have been disqualified, and no one picks that up -- he was under open indictment at the time.

●: I just think it is a hole that needs to be filled.

*RG out.*

●: Then we need to decide who is responsible -- the only info that comes into the UN about this at first comes to the SG. This was in the Times in January 1998 and the fact of the indictment was in June of 1998. It is clear in our current draft that they never should have gotten in the door under the rules. But if we are going to lay blame at someone's door and we only do so at the PD and not the SG's office, where the fax actually came ... The contract is continually re-upped despite the charges remaining pending.

RM: We only recently learned that this rule was in effect.

RP: Rule came in March 1998.

●: It was a part of the overall reform of the procurement office.

MC: So if we hit people we may have to hit the SG on this.

●: I just wonder if we need to discuss this in the findings.

●: I agree.

●: There is even more information I want to know about that initial process.

●: The questionnaire does not ask -

RP: Well we have not seen the new regs yet. Presumably there should have been a new questionnaire going to Cotecna but we have never seen it.

*RG back - 15 minutes later.*

●: I think that the committee has to decide where to cast responsibility for failure to act on knowledge that the Cotecna CEO was indicted.

RG: Well, who's responsibility was it? This was PD's responsibility wasn't it?

●: Well the information goes to the SG.

RG: But who knew at that time?

●: The SG from the press reports.

●: There was a press report in the summer of 1998.

●: We can't be certain that the UN would have looked at this at that time, but by January 1999 it is in the SG's office. It is part of the Connor report.

RG: I am confused. This is relevant to the renewal?

RP: It was relevant to both but by January 1999 it was relevant to the renewal.

●: Page 29 paragraph at the top of the page, I think we need to expand on this. It is ambiguous or confusing because it suggests an obligation to do more than run a D&B report.

RG: The responsibility must lie where it should be -- if the SG's office knew about it than they must take responsibility.

●: So is that how you want us to write up these findings?

RG: Write it on that basis and we will take a look.

PAV: The basic problem I have with this whole thing is that if we know that the procurement process was corrupted, that is a big deal, but if it was not then the rest of it is minor – it is not a hanging offense.

█: No, it is a big deal.

Mark: there is an entire section of the UN involved in fighting this already.

PAV: We don't even know if they knew this was happening until January 22.

RP: A procurement officer knew about it – friends with Kojo.

RG: Why didn't they do anything about it? Was there some motive?

PAV: That is my problem. How do you know?

RG: The big question hanging out there is why? If there is no evidence we can't speculate, but we need to talk about it and make a fairly strong finding.

█: May I come back to the third finding on improper influence? On page 70.

We need a stronger more affirmative finding other than no evidence. The third sentence – is that staying?

RG: To what time period is this referring?

█: Under the older version of the findings –

RG: As I understand the committee's view this should apply to the post January period.

RP: Has the committee taken their decision?

█: I agree that we should juxtapose the SG's account against all the other evidence.

RP: There is no account by the SG.

█: Well we are implicitly doing this but we are not marshaling everything together. I am not sure we have done that.

PAV: Lets go back to Cotecna – what did the PD do wrong. Forget about Kojo and Kofi.

█: Well the head of the company was under indictment.

PAV: Well I still think we should write it this way, what happened in PD and then what happened with Kofi and Kojo, etc. Look to see if this is illicitly corrupted.

RP: There is conflict of interest and then there is influence.

PAV: Whatever you say they opened themselves to an appearance of a conflict of interest. But no actual unless he knew. So suppose he did no, what did he do?

RG: It would still be a very serious finding against him.

PAV: There is plenty of stuff to criticize him about.

█: The problem is that once they are the low bidder, no one has to do anything. They are the low bidder by a ton so no one has to do anything, you just let it go.

PAV: But what should they have done?

█: That is the problem that we have as a group in addressing this influence problem.

Mark: and the low bidder issue is open – we are not able to say whether or not there was influence.

RG: That is exactly why conflict of interest is a serious issue.

█: Well, unless you get to the point about his knowledge.

█: You can take from the Wilson conversation that he knew of their interest.

RG: But what does Wilson say – he doesn't talk about the bid.

█: That is a pretty important conversation.

█: I see a need for the committee to decide what constitutes a conflict of interest. Michael is saying that it is enough to say that he knew they were interested.

RG: But we can't even say that.

█: But I think it is a reasonable factual conclusion to draw that since he knew of the 1992 interest that he knew. But the committee has to decide whether this is sufficient.

RG: I don't think that is sufficient.

█: That is a threshold issue that the committee has to decide.

PAV: The conflict doesn't arise until he does something.

RG: Should he have circulated something to the whole UN saying not to deal with Cotečna? I don't believe that is a conflict.

RP: But all this is assuming we are not crediting Michael Wilson, is that correct?

█: But first the committee has to decide what is a conflict.

PAV: IF you believe that conversation Kofi is in bad shape.

RP: Combined with the other facts.

█: We are looking at it in this backdrop – I know there is a difference of opinion.

Mark: you can't just ignore Wilson's account because it comes out of nowhere.

RP: It is also a statement against interest.

RG: Where is this? Was this in the earlier report?

PAV: When I read this I was very unclear about when this conversation took place – when did the press on Lloyds occur?

RP: █: Only when they pulled out.

RG: How do we decide which of the two versions to accept.

RP: He brought up Lloyds, I didn't.

Mark: this should be more explicit here.

RG: Isn't there some serious doubt about this man's credibility?

RP: that is true for a lot of people.

█: Why would he make a statement against the SG's interest?

█: In fact he thinks it is in their interest.

█: That could go to why it is not true because he could be making up things to support the SG.

RP: The central issue is did this conversation take place.

█: █: what do you think about Wilson's statement?

*Say my piece.*

RG: Assuming we go ahead with no adverse finding on his state of knowledge, is there any obligation on us to give him an opportunity to deal with what is very damaging evidence?

█: With this information in the report the committee is going to have to resolve this about whether or not we credit Wilson's statement.

RG: There is an alternative route here – tell him what the allegations are, point out the inconsistencies, and ask him to make submissions as to what we should make of it.

█: Does it raise concerns that the Committee is prepared to make findings without talking to him again?

RP: Are you suggesting doing a separate interrogatories for him?

█: We have the Mouselli info which we did not have before and it would be consistent with our prior practice to go back to him and then we could do the Wilson

questions as well. Then we don't get into the situation of writing him a letter and risking a leak and this is what we would do with any other witness.

RP: If we come to a decision that he did not know, then what is the purpose of asking him about this stuff?

●: Don't we want that information before making a finding?

●: This is consistent with what we have done in the past. As part of a Mouselli interview we could do Wilson.

RG: In response to Robert's question, we have to publish his response.

PAV: Absolutely.

RP: but at that point we are not conducting an investigation, so just send him the questions.

●: I'm saying don't make a finding until you do this.

RP: I think that it is fair to say that with the support of his counsel we know what he will say.

●: So the committee has not reached a decision on this?

RG: I am not done until I sign the report -- I am keeping an open mind and am willing to change it.

RP: But the facts that we have and the standard we are using do not convince you that he knew.

RG: No, I am not convinced.

RP: What you said at the beginning was that this is a question of credibility, but you also said that there is no smoking gun.

RG: You are mischaracterizing what I said --

RP: based on the standard we agreed on --

PAV: What is that standard?

RP: More likely than not.

PAV: I don't think we ever agreed to that, I am not prepared to hang Kofi Annan on that. I never dreamed that that was the standard -- we need to be pretty damn sure. It is not the standard that we will use in this report.

RG: I wouldn't make this finding against the SG on that standard, that would be irresponsible. I will not make a finding unless I am convinced.

●: But that is the standard we used on the others.

RM: I think it was beyond a reasonable doubt on those.

PAV: This is obviously more important.

●: Just a statement -- when you look at Wilson's statement and you look at the SG's testimony, he says that he does not recall it. You would have to put his recollection in there.

●: I am looking for the guidance of the Committee in how to draft this -- do we want to say what the committee credits when we deal with these discrepancies in the report?

RG: I think just put them in -- I don't think we have sufficient evidence to credit or not credit any of these.

●: But at the end of the day the committee has to say something about Wilson's evidence. If the committee is concluding that the SG did not know, then you are saying that you didn't believe Wilson.

RG: The finding is that there is not sufficient evidence to contradict the SG's denial. The presumption is one of innocence. That should be in the discussion at the end.

PAV: I think we say we are not convinced on either side. I can't say that he didn't know.

■ The question is did he know that the contract was being let. If you credit MW then it shows his knowledge. That is the importance of it.

RG: Are there other things we need to talk about?

RM: Goes into schedule.