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ONE HUNDRED NINTH CONGRESS

# Congress of the United States

## House of Representatives

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### SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS, AND INTERNATIONAL RELATIONS

Christopher Shays, Connecticut  
Chairman  
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Washington, D.C. 20515  
Tel: 202 225-2548  
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May 3, 2005

The Honorable Paul Volcker  
610 5<sup>th</sup> Avenue, Suite 420  
New York, NY 10030

Dear Chairman Volcker:

The decision to prevent former Independent Inquiry Committee (IIC) employees Robert Parton and Miranda Duncan from speaking to Congress about their work puts our investigations into needless conflict, and I hope you will reconsider. Any resort to reflexive secrecy or legalism undermines the independence and transparency the ICC was meant to bring to the examination of the United Nations Oil-for-Food Program (OFFP).


As the U.N. decided with regard to the OFFP contractors (Saybolt, Cotecna and BNP Paribas), concerns about contractual confidentiality clauses can be overcome by acknowledging the legal authority of duly constituted investigative committees. Claims of immunity by the U.N. or the IIC should be waived. A position that simply says "No" to any avenue of accommodation leaves the unfortunate impression the IIC lacks the ability to see beyond the culture of secrecy and self-dealing that spawned the OFFP scandal.

The bulk of the Commission work to date has been thorough, well reasoned and unvarnished. But the Second Interim Report finding that evidence “was not reasonably sufficient” to show the Secretary General knew about the Cotecna bid seemed oddly muted and almost purposefully vague. It gave rise to utterly contradictory interpretations regarding whether or not the IIC Report “exonerated” Kofi Annan, and raised more questions than it answered. Questions about limited access to Secretariat documents, and an unduly deferential interpretation of the information obtained, have been fueled by the departure of the IIC investigators. They could help answer those questions.

The IIC website says, “The Committee will cooperate with any other inquiry to the extent possible, consistent with maintaining the integrity of its own investigation.” In the interest of that integrity, I encourage you to find a way to make the former investigators available to Congress. As we have discussed on more than one occasion, the inevitable tensions between “competing” inquiries can work to your benefit. Congressional panels can complement and supplement your efforts to conclude a rigorous, objective and timely investigation. Our probes can provide the external drive and urgency you need to breach stubborn barriers inside the U.N. Your Committee should have nothing to fear from a frank discussion of the relevance and weight of the evidence used to support significant findings. You may be sure such a discussion would take place under terms and conditions that would not compromise your remaining work.

The Subcommittee looks forward to hearing from you.

Sincerely,

  
Christopher Shays  
Chairman

cc: Hon. Tom Davis  
Hon. Henry A. Waxman  
Hon. Dennis J. Kucinich  
Hon. Kenny Marchant  
His Excellency Kofi Annan

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May 3, 2005

His Excellency Kofi Annan  
Secretary General  
The United Nations  
1 UN Plaza  
New York, NY 10017

Dear Mr. Secretary General:

We encourage you to work with Chairman Paul Volcker of the Independent Inquiry Committee (IIC) to allow Robert Parton and Miranda Duncan, both former employees of IIC, to speak the U.S. Congress.

In a recent discussion, Mr. Volcker indicated Mr. Parton and Ms. Duncan were considered U.N. employees protected by certain immunities and would not be made available to congressional investigators. Unfortunately, assertion of those immunities to deny any access to the investigators undermines confidence in both the ICC and the United Nations, and is contrary to the transparency pledged by both.

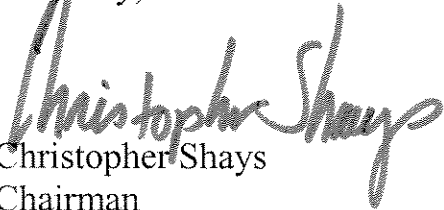
Attached find a letter to Chairman Volcker requesting the IIC allow Mr. Parton and Ms. Duncan to speak about their time with the IIC. If Chairman Volcker is unable to waive confidentiality clauses or immunities unilaterally, I ask that you also take the steps necessary to allow Mr. Parton and Ms. Duncan to

cooperate with congressional investigations in a way that meets our needs and preserves the prerogatives of the U.N.

If you or your staff have any questions about this request, please contact Lawrence Halloran, Staff Director, or Thomas Costa, Professional Staff, at 202-225-2548.

The Subcommittee looks forward to hearing from you.

Sincerely,



Christopher Shays  
Chairman

cc: Hon. Tom Davis  
Hon. Henry A. Waxman  
Hon. Dennis J. Kucinich  
Hon. Kenny Marchant  
Hon. Paul Volcker

Attachment