

Her Excellency Ms. Päivi Kairamo  
Ambassador  
Permanent Representative  
Permanent Mission of Finland  
Avenue de France, 23  
1211 Genève

September 17, 2014

Dear Ambassador Kairamo,

I have the honor to write regarding the Report of Misconduct of WIPO Director General Francis Gurry, which I delivered to you on April 2, as amended on April 11. Since that time, the matter has been referred to two independent professional investigators, who have conducted a preliminary evaluation. Since it has been almost a month since the reports were to have been submitted to the Independent Advisory and Oversight Committee, and because I would have been notified of any decision not to proceed with a full investigation, I must presume that such an investigation is about to begin.

At this point, given the gravity of this extraordinary situation, I respectfully submit that the Member States of WIPO should determine the special procedures that will be followed to ensure that the investigation process is truly independent and effective to address the very serious instances of misconduct (involving DNA theft and cover-up and procurement corruption) identified in my Report, and their implications for the organization. In that regard, I refer to the statement issued by the United States of America on May 6:

*"The United States is deeply committed to the principles of transparency and accountability, including whistleblower protections, in all international organizations. We strongly support the call made in the General Assembly meeting today for a full, independent, and external investigation of the entirety of the complaint filed by a WIPO Deputy Director General. We expect this investigation to be implemented promptly and executed expeditiously."*

Specifically, for the outcome of the investigation to be credible and useful to the Member States, it is important that the process be transparent and expeditious, that the investigation be performed by external, professional investigators, and that independence from the WIPO secretariat be assured.

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The latter point is especially critical, given the governance structure at WIPO and the almost limitless power exercised by Mr. Gurry, who along with two of his current (and future proposed) senior management team, are identified in the records as possible actors in the underlying transactions. The integrity of this investigation clearly will depend to a significant degree on the extent to which the various witnesses can speak with the investigators free of intimidation, whether express or implied. (In light of recent actions by the administration, fear of retaliation is significant and well-founded.)

Therefore, I ask that the following issues be addressed:

- whether Mr. Gurry, being now presumably under investigation, will be suspended pending the outcome, in order to reduce the risk of witness intimidation, and the practical implications of such a suspension,
- what specific measures can be established to guarantee protection for witnesses and victims,
- what steps will be taken to ensure preservation of evidence,
- how staff and other witnesses will be informed about the process, and whether lifting of immunity is relevant to the proceeding,
- a timeline for finishing the investigation and
- plans for communicating the results of the investigation to the Member States and to the relevant staff.

I look forward to discussing these important issues with you.

Accept, Madam, the assurances of my highest consideration.

James Pooley



Deputy Director General  
Innovation and Technology Sector

Cc: Regional Coordinators