Office Instruction
N° 33/2017

POLICY TO PROTECT AGAINST RETALIATION FOR REPORTING MISCONDUCT AND FOR COOPERATING WITH DULY AUTHORIZED AUDITS OR INVESTIGATIONS

Introduction

1. The Organization attaches the utmost importance to securing the highest standards of integrity amongst all members of the personnel of the Organization, as provided in the Convention Establishing the World Intellectual Property Organization. In support of the Organization’s established core value “Environmental, social and governance responsibility”, the Organization is committed to ensuring a positive and respectful workplace free of harassment and intimidation so all members of personnel can work together with openness, dignity and respect.

2. In furtherance of these principles and objectives, the WIPO policy for the protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations (hereinafter referred to as the “Policy”) is hereby established and constitutes the general framework for the protection of all personnel against retaliation for cooperation in an oversight activity, as defined in this Policy, or who make a report, in good faith, of misconduct that, if established, would be manifestly harmful to the interests, operations or governance of the Organization.

3. The Policy aims to:
   
   (a) encourage prompt notification to the Organization (through the established channels set out in this Policy) of possible misconduct so that appropriate and diligent action can be taken in the best interests of the Organization, and

   (b) enhance protection of members of personnel who cooperate with an oversight activity as defined in this Policy or who make a report of misconduct.
Definitions

4. For purposes of this Policy:

   (a) “complaint” shall mean an assertion by a member of personnel, as defined below, made in good faith, on the basis of submitted evidence to support a reasonable belief that misconduct has occurred, that he/she has experienced or apprehends retaliation because of cooperation with an oversight activity or because he/she reported misconduct;

   (b) “oversight activity” means any duly authorized investigation, audit, inspection or evaluation undertaken in accordance with the terms of reference of the WIPO External Auditor, the WIPO Independent Advisory Oversight Committee or any other oversight activity specifically authorized by the Director General;

   (c) “personnel” or “members of personnel” shall, for purposes of this Policy, include all WIPO staff members and other members of personnel of any grade (or without grade) engaged under other types of contractual arrangements, contractors, interns and fellows, regardless of the type of engagement or its duration;

   (d) “retaliation” or “retaliatory action” for purposes of this Policy means any direct or indirect detrimental action, or failure to act, that adversely affects the employment or working conditions of an individual, where such action, or failure to act, has been recommended, threatened or taken in whole or in part because an individual has cooperated with an oversight activity or made a report of misconduct. Retaliation may include direct actions, such as by way of adverse administrative action or verbal harassment, or more indirect patterns of retaliation resulting in discriminatory treatment;

   (e) “complainant” is a member of personnel, as defined above, who reports retaliation or threats of retaliation, as defined in the Policy;

   (f) “reporting misconduct” means the reporting through established reporting mechanisms as referred to below (or subsequently established reporting mechanisms) of alleged misconduct;

   (g) “misconduct” shall include abuse of authority, fraud, corruption, the failure of one or more members of personnel to comply with his or her obligations to the Organization including under the Staff Regulations and Rules or other relevant administrative issuances, the Financial Regulations and Rules, or the Standards of Conduct of the International Civil Service or other terms of their engagement, and any request or instruction from any member of personnel to violate the above-mentioned regulations, rules, standards, issuances or terms, and other wrongdoing.

General Provisions

5. It is the duty of all personnel to report that misconduct may have occurred, or any reasonable belief that such misconduct may have occurred. Failure to comply with the Organization’s regulations, rules and other administrative issuances or to observe the standards of conduct expected of WIPO personnel may amount to misconduct and may lead to the initiation of an investigation into allegations of misconduct, disciplinary proceedings and the imposition of disciplinary measures.\(^1\)

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\(^1\) See Chapter X of WIPO Staff Regulations and Rules for more information on disciplinary measures.
6. It is also the duty of all personnel to cooperate with any duly authorized oversight activity. An individual who, in good faith, makes a report of misconduct or who cooperates in good faith in a duly authorized oversight activity has the right to be protected by the Organization against retaliation in accordance with the Internal Oversight Charter and this Policy.

7. Retaliation against those individuals who have cooperated with an oversight activity or who have made a report of misconduct also violates the obligation of all personnel to uphold the highest standards of efficiency, competence and integrity and to discharge their functions and regulate their conduct with the best interests of the Organization in view. When established, retaliation constitutes misconduct in itself.

8. It is the duty of the Organization to take all necessary, relevant measures to protect all personnel against retaliation in the context of an oversight activity or when they make a report of misconduct and from further acts of retaliation when retaliation has occurred in the context of such activity.

9. The Organization has a duty to address suspected wrongdoing and ensure that due diligence is exercised when reviewing and investigating reports of misconduct as well as complaints of retaliation. The review and investigation of reports of misconduct and complaints of retaliation will be thoroughly completed, even if the complainant's employment status and relationship with the Organization changes during the respective review and/or investigation. In accordance the Internal Oversight Charter and Investigation Policy and Manual, the complainant will be kept informed of the outcome of the evaluation or investigation irrespective of his/her employment status with WIPO.

Scope of Application

10. Protection under this Policy against retaliation is extended to any member of personnel who:

   (a) has cooperated with an oversight activity or made a report of misconduct within the meaning of this Policy; and

   (b) asserts, on the basis of information or evidence to support a reasonable belief that he/she has experienced or apprehends retaliation as a result of participating in such activity or making a report of misconduct.

Requirements for Reporting Misconduct: Promptness and Good Faith

11. In order for a member of personnel making a report of misconduct to receive protection under this Policy, the following must apply:

   (a) the member of personnel must make the report of misconduct as soon as possible and not later than three years after the individual becomes aware of the alleged misconduct, and

   (b) the individual must make the report in good faith, in the overall interests of the Organization and not only for personal benefit and must submit evidence to support a reasonable belief that misconduct has occurred.
Burden of Proof

12. This Policy is without prejudice to the legitimate exercise of management functions. However, once a complaint of retaliation is made under this Policy, and if the Ethics Office has established that there is a prima facie case of retaliation, the burden of proof shall lie with the Organization, which must show on the basis of clear and convincing evidence that it would have taken the same action even in the absence of the activities protected under this Policy as referred to above, or that the alleged retaliatory action was not taken for the purpose of punishing, intimidating or injuring the individual who engaged in the protected activity.

Reports which are Intentionally False, Misleading or Made with Reckless Disregard for Accuracy Amount to Misconduct

13. Making a report of misconduct or complaint of retaliation or providing information for the purposes of this Policy that is intentionally false or misleading, or is made with reckless disregard as to the accuracy of the information, itself constitutes misconduct.

Reporting Alleged Misconduct

14. Reports of alleged misconduct shall be made through any of the following established channels: to a direct or hierarchical supervisor, the Office of the Director General, the Director of the Internal Oversight Division (“IOD”) or the chair of the Coordination Committee, who/which shall protect the confidentiality of the identity of the reporting staff member. A report of alleged misconduct can also be made anonymously through IOD’s email or telephone hotline. It is noted that protective measures cannot be applied if anonymity is maintained. In any case, reports shall be sent to the Director, IOD, who shall register such report. It is the duty of the Administration to protect the confidentiality of the individual’s identity and all communications through those channels to the maximum extent possible.

15. Protection by the Organization against retaliation or retaliation apprehended on a reasonable belief will be extended to an individual who reports alleged misconduct by a member of personnel to an entity or individual outside of the established internal mechanisms, where the criteria set out in subparagraphs (a), (b) and (c) below are satisfied:

(a) Such reporting is necessary to avoid:

(i) a significant threat to public health and safety; or
(ii) substantive damage to the Organization’s operations; or
(iii) violations of national or international law; and

(b) The use of internal mechanisms is not possible because:

(i) At the time the report is made, the individual has grounds to believe that he/she will be subjected to retaliation by the person(s) he/she should report to pursuant to the established internal mechanism; or

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2 This provision may change if the WIPO Coordination Committee decides to adopt, at its upcoming session in October 2017, the amendment to Staff Regulation 1.7, as proposed by the Independent Advisory Oversight Committee (see WO/CC/74/7)

3 See Staff Regulation 1.7(b) on the ability to report wrongdoing anonymously, and paragraph 52 of the Investigation Manual IOD/IM/2017/1 detailing those channels that can be used to bring allegations to attention of the Director, IOD.
(ii) It is likely that evidence relating to the misconduct will be concealed or destroyed if the individual reports to the person(s) he/she should report to pursuant to the established internal mechanism; or

(iii) The individual has previously reported the same information through the established internal mechanisms, and the Organization has failed to inform the individual in writing of the status of the matter within six months of such a report; and

(c) The individual does not accept payment or any other benefit from any party for such report.

Preventive action

16. IOD will inform the Ethics Office of reports received of wrongdoing that IOD identifies as posing a retaliation risk to a staff member. IOD will provide this information to the Ethics Office only upon the consent of the individual making the allegation.

17. When informed by IOD of an individual who is at risk of retaliation, the Ethics Office will consult with that individual on appropriate retaliation prevention action. With the individual’s consent, such action may include engagement by the Ethics Office with the individual’s senior manager or managers to ensure monitoring of the individual’s workplace situation, with a view to preventing any retaliatory action against the individual as a consequence of engaging in a protected activity.

Making a Complaint of Retaliation to the Ethics Office

18. (a) In order to benefit from the application of this Policy, individuals who have a reasonable belief that retaliatory action has been or may be taken against them because they cooperated with an oversight activity or made a report of misconduct shall make a complaint in writing and forward all information and documentation available to them to support their complaint to the Ethics Office as soon as possible and in any case no later than six (6) months after the date of the alleged act of retaliation (or the date of the last act of retaliation if a series of such acts is alleged to have occurred) has come to the attention of the individual making the complaint.

(b) To facilitate requests for Protection against Retaliation, the dedicated form, available upon request or on the Intranet page of WIPO’s Ethics Office, may be used.

(c) A person who files a written complaint of retaliation or apprehended retaliation must substantiate the claim with factual information or documentation to show that he or she:

   (i) cooperated in an oversight activity or made a report of misconduct; and

   (ii) suffered thereafter an unjustified, unfavorable or discriminatory action, or has submitted information or evidence to support a reasonable belief that such unjustifiable or unfavorable action may occur; and

   (iii) has reasonable grounds to believe that the alleged retaliatory act resulted from participating in an activity protected under this Policy.
(d) A member of personnel may in addition to, but not as a replacement for, making the complaint to the Ethics Office, choose voluntarily to raise the matter with his or her immediate or hierarchic supervisor.

19. The functions of the Ethics Office with respect to protection against retaliation for cooperating in an oversight activity or making a report of misconduct are as follows:

(a) to receive complaints of retaliation;

(b) to record the complaint and keep a confidential record of all complaints received, which complaints shall in no event be disclosed except to the extent required to take action on the complaint and with the complainant’s consent;

(c) to conduct a preliminary review of the complaint to determine if there is a *prima facie* case of retaliation for cooperation with the oversight activity or making a report of misconduct, namely by:

(i) determining if the complainant cooperated in the oversight activity or made a report of misconduct;

(ii) establishing that the basic elements to constitute retaliation have been made out;

(iii) identifying any inconsistencies or outstanding questions; and

(iv) determining either the need for a formal internal investigation into whether the activity protected under this Policy was a contributing factor in causing the alleged retaliation or leading to the threat of retaliation or for an alternative option, such as informal resolution by line management, referral to HRMD, or the Ombudsman; or no further action.

(d) to recommend to the Director General if and when required and relevant, in consultation with the Director IOD, adequate protection to the complainant. This could mean *inter alia*, with the consent of the complainant, and in exceptional circumstances, the temporary reassignment of the complainant, placement of the complainant on special leave with full pay during the preliminary review and/or investigation by IOD, or the temporary suspension of the implementation of the action reported as retaliatory.

20. The Ethics Office shall seek to complete its preliminary review within thirty (30) working days of receiving all information requested concerning a complaint of retaliation received. The complainant will be duly informed by the Ethics Office if its preliminary review of the complaint cannot be completed within this thirty (30) day period.

21. All offices and staff members shall cooperate with the Ethics Office and provide access to all records and documents requested by the Ethics Office, except for medical records that are not available without the express consent of the staff member concerned and IOD records that are subject to confidentiality requirements.

22. If the Ethics Office finds that there is a *prima facie* case of retaliation or threat of retaliation (including by way of intimidation), it will refer the matter in writing on a confidential basis to IOD for investigation and will promptly notify the complainant in writing that the matter has been so referred.
23. Such investigation shall be undertaken by IOD in accordance with the Internal Oversight Charter, Investigation Policy and Manual. IOD will seek to complete its investigation and submit its report within 120 days.

24. Upon receipt of the investigation report, the Ethics Office will conduct an independent review of the findings and supporting documents to determine whether the report and the supporting documents show, by clear and convincing evidence, that the Administration would have taken the alleged retaliatory action absent the complainant’s protected activity or that the alleged retaliatory action was not made for the purpose of punishing, intimidating or injuring the complainant. If, in the view of the Ethics Office, this standard of proof is not met, the Ethics Office will consider that retaliation has occurred. If the standard of proof is met, the Ethics Office will consider that retaliation has not occurred. In all cases, the Ethics Office will inform the complainant in writing of its determination and make its recommendations to the head of department or office concerned and to the Director General.

25. If the Ethics Office determines that there is no prima facie case of retaliation or threat of retaliation (including by way of intimidation), it shall so notify the complainant in writing.

26. The Ethics Office shall maintain the confidentiality of all communications exchanged between it and complainants who request protection against retaliation, and of all communications exchanged with relevant third parties. The Ethics Office may be required to cooperate with requests for information under compulsion of law from judicial bodies.

Protective Measures

27. The Director General may exercise discretion under this Policy to take such interim protective measures as may be appropriate to safeguard the interests of individuals who cooperate with an oversight activity or make a report of misconduct. Such measures may be taken at any time before all related internal formal proceedings are complete, and may be based on the recommendation of the Ethics Office or at the request of the individual concerned. They may include, but are not limited to, temporary suspension of the implementation of the action reported as retaliatory and, with the consent of the complainant, temporary reassignment of the complainant within or outside his or her office or placement of the complainant on special leave with full pay.

28. If retaliation is established, the Director General may, based on the recommendation of the Ethics Office, or on his own accord, take appropriate measures aimed at correcting negative consequences suffered as a result of the retaliatory action.

Conflict of Interest

29. Where the Ethics Office determines that a significant and material conflict of interest (potential, perceived or real) would prevent IOD from conducting an investigation into retaliation under this Policy, it shall report such conflict to the Independent Advisory Oversight Committee which shall recommend such actions that may be needed to mitigate and reduce the undesirable effects of any potential, perceived or real conflict of interest.

30. In case the Chief Ethics Officer has a potential, perceived or real conflict of interest preventing the exercise of his or her functions under this Policy in a particular matter, he or she shall recuse him/herself therefrom, and designate an alternative, acceptable to the complainant, to act in his or her stead.
31. In case the Director General has a potential, perceived or real conflict of interest preventing the exercise of his or her functions under this Policy in a particular matter, he or she shall recuse him/herself therefrom, and designate another appropriate WIPO staff member to act in his or her stead and notify the Chair of the Coordination Committee of such designation.

**Review of a Determination by the Ethics Office**

32. If, following a determination by the Ethics Office pursuant to paragraph 19(c)(iv) of the Policy, the complainant wishes to have the determination reviewed further, he or she may, within thirty (30) days of notification of the determination, refer the matter in writing to the Ethics Office of the United Nations Office for Project Services (UNOPS). The outcome of the review by the Ethics Office of UNOPS shall be final and binding.

**Recourse to Services of Ombudsman**

33. If the Ethics Office finds that there is no *prima facie* case of retaliation but considers that there is an interpersonal problem within a particular office, it may encourage the complainant to consider using the services of the Office of the Ombudsman and any other informal means of conflict resolution in the Organization. The complainant may use the services of the Office of the Ombudsman at any time before, during or after the conduct of any preliminary review and without prejudice to the use of legal proceedings as provided in Chapter XI of the WIPO Staff Regulations and Rules.

**Managerial Problem**

34. If the Ethics Office considers that there is a problem related to the management of personnel (short of retaliation or other misconduct), based on the preliminary review of the complaint or the record of complaints relating to a particular department or office, it will advise the Director General, HRMD and the head of department, sector or office concerned.

**Recourse through Internal Mechanisms and Related Timelines not Affected**

35. The procedures set out in the present Policy are without prejudice to the rights of an individual who has suffered retaliation to seek redress through the internal recourse mechanisms in accordance with Chapter XI of the Staff Regulations and Rules, entitled “Conflict Resolution”. An individual may raise a violation of the present Policy by the Administration in any such internal recourse proceeding.

36. This Policy does not have the effect of waiving or suspending the time limits for filing any process under Chapter XI of the WIPO Staff Regulations and Rules, including a request for review, a workplace-related grievance, a rebuttal of a performance appraisal, an appeal to the WIPO Appeal Board, or a complaint to the International Labour Organization Administrative Tribunal.

**Action against the Individual Who Engaged in Retaliation**

37. A finding of retaliation by a member of personnel against an individual because that individual has cooperated with an oversight activity or made a report of misconduct constitutes misconduct that will lead to appropriate administrative action, including the possibility of disciplinary proceedings.
Retaliation against Outside Parties

38. Any retaliatory measures by a member of personnel against a WIPO contractor or its employees, agents or representatives or any other individual engaged in any dealings with WIPO because such individual has cooperated with an oversight activity or made a report of misconduct as defined in this Policy may be considered misconduct that, if established, will lead to appropriate administrative action, including the possibility of disciplinary proceedings.

Review of the Policy

39. The Policy shall be reviewed on a periodical basis, as needed.

40. This Office Instruction shall enter into force on the date of its publication. It shall replace and supersede Office Instruction N° 58/2012.

[signed by Francis Gurry
Director General]
Annex B

Lei, Wei

From: Lei, Wei
Sent: September 20, 2016 10:02 PM
To: Gabor Amon (amon.gabor@gmail.com); egbert.kaltenbach@gmail.com; Efendioglu, Tuncay
Subject: Re: Report and complaint

Dear Chair and Vice-Chair of IAOC and A/Director of IOD,

My recent communications with the WIPO Chief Ethics Officer (CEO) have led me to believe that the formality of the reporting of wrongdoing or retaliation may be more important than the substance of the reports. With this concern in mind, I would like to supplement my May 10, 2016, with the following:

- My report of wrongdoing concerned a procurement irregularity – interference to procurement evaluation – committed by Mr. Sundaram, who collaborated with Mr. Francis Gurry on the said irregularity (it was understood that Mr. Francis Gurry’s role on the case was already investigated by OIOS and therefore there was no need for me to report on Mr. Gurry’s role);
- Mr. Sundaram’s wrongdoing may also include his failure to report the procurement irregularity, as stipulated in the OI 58/2012
- I reported Mr. Gurry and Mr. Sundaram’s alleged interference of IOD’s independence and effort to undermine the internal control to the CEO as part of follow-up to my May 10 email. Although the CEO has decided not to take further action (I shall communicate with you on that matter separately), I understood that IOD and IAOC have now taken the evidences that I have provided and will assess appropriate follow-up actions accordingly. Therefore I don’t need to file a separate report for wrongdoing on this matter.

Please kindly let me know if there is anything else I should/could do to assist you.

Best regards,
Wei

From: Lei, Wei
Sent: Tuesday, May 10, 2016 10:20 AM
To: Francois Xavier Ngarambe (fngarambe@minaffet.gov.rw); Gabor Amon (amon.gabor@gmail.com); Ámon, Gábor; Efendioglu, Tuncay; RADHAKISHUN, Chitra
Subject: Report and complaint

Dear all,

Attached please find the self-explanatory letter addressed to you, as well as three attachments, under WIPO’s “Whistleblower Protection Policy” (OI 58/2012).

No hardcopy will be sent.

Best regards,
Wei

Wei Lei
Chief Information Officer
Information and Communications Technology Department
World Intellectual Property Organization
+ 41 22 338 7776
OFFICE INSTRUCTION
No. 61/2009

INFORMATION, COMMUNICATIONS AND TECHNOLOGY (ICT) MANAGEMENT

This Office Instructions sets out the key principles of Information, Communications and Technology (ICT) Management within WIPO, the specific responsibilities of the Chief Information Officer (CIO), Mr. Wei Lei, in respect of these principles, and the representation of ICT matters on internal or external bodies. In case provisions of this Office Instructions conflict with any others currently in force, those contained herein shall prevail.

ICT Framework and Governance

Business information systems are embedded within individual Sectors and Programs throughout the Organization, with some of the most important ones in the Sectors of the PCT, Trademarks and Industrial Designs, and Co-ordination and Development of Global IP Infrastructure. The continued success and enhanced effectiveness of our ICT functions will therefore require a high level of cooperation, collaboration and coordination among the multiple Programs.

To ensure this, there is a need to establish an ICT Framework, which consists of

- an ICT Board – a senior governing body overseeing the planning and prioritization of major ICT initiatives to ensure clear alignment between ICT investments and organizational objectives;
- a set of ICT policies, procedures, standards and methodologies to promote a consistent and cohesive approach to ICT governance, security, operations and project management.

Other mechanisms will also be established under the ICT Framework to ensure that Program Managers have ownership in realizing business benefits of ICT initiatives, so that the Organization is able to achieve an optimal level of return, in terms of business benefit, from ICT investment. Details of the ICT Framework (including the terms of reference and composition of the ICT Board) will be issued separately.

Compliance with the ICT Framework

The CIO is responsible and accountable for the development of, and compliance with, the ICT Framework, in collaboration with Program Managers. The ICT Framework will be
developed in a manner that is consistent with the business requirements and organizational objectives and priorities.

While the development of business information systems may remain within the business areas concerned, such development must be consistent with a cohesive ICT Framework applicable across the Organization. To ensure this, all current and future initiatives that have an ICT component within them must ensure representation of CIO or his delegate, who may be designated from any part of the Organization in consultation with the Program Managers, on their project governance structure. The CIO, or his delegate, would thus be a member of the governing/oversight body for projects.

In this context, while the individual Sectors or Programs are responsible for identifying and justifying what ICT initiatives are needed, the CIO is responsible for ensuring that systems are delivered in a manner that complies with the ICT Framework. This principle applies to all ICT initiatives regardless of whether or not an initiative is to be delivered by the ICT Department or by an ICT unit within another Program. Procurement requests related to ICT components and services must also comply with the same Framework and the CIO’s input/views shall be obtained in a timely fashion to ensure that this is the case.

Furthermore, individual Sectors or Programs are responsible for ensuring that the CIO is properly informed of any significant current or future initiatives with an ICT component, at inception stage whenever possible. Such joint planning exercises will enable the CIO to exercise his functions in respect of the ICT Framework, as described above, as well as to plan for the mobilization of ICT resources. Likewise, the CIO will properly inform Program Managers of any significant developments in ICT area which may impact upon the individual Sectors or Programs.

**ICT Infrastructure Services**

The ICT Department will be the only entity that provides or manages the provision of ICT infrastructure services. These include, but are not limited to, telecommunications services; computer servers, storage and network administration; and database and ICT security systems administration. It is the responsibility of the CIO to ensure that the ICT infrastructure services are delivered in a manner that meets the business requirements and priorities of the Organization, both in terms of quality of service and timeliness of their delivery.

**External Representation**

The CIO, in consultation with individual Sectors or Programs, will be responsible for the management of the relationship with all external infrastructure service providers, such as the United Nations International Computing Center (ICC) and other commercial entities. The CIO, or his delegate, will represent WIPO on the ICC Management Committee and any networks or fora with the international or regional communities on ICT matters.

[signed by Francis Gurry
Director General]

October 16, 2009
Establishing a PMSDS Evaluation

Performance Management and Staff Development System (PMSDS)

Establishing a PMSDS Evaluation

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1 INTRODUCTION

In PMSDS, the direct supervisor gives the ratings and makes related comments on the staff member’s performance. Nevertheless, it is very important that the direct supervisor listens to and takes into account the staff member’s view on her/his own performance before making final decisions.

On an ongoing basis, the direct supervisor and the staff member should discuss and follow-up on the work-related objectives, competencies, development-related objectives, and related learning activities during the PMSDS cycle (see also the handbook “Providing Continuous Feedback and Conducting Interim Reviews”). At the very minimum, the direct supervisor and the staff member must meet at least once for a performance-related conversation before signing off the evaluation.

2 DETAILED PERFORMANCE EVALUATION

The direct supervisor should discuss the results achieved under the work- and development-related objectives. The ratings for objectives are “Fully achieved”, “Not fully achieved” and “Not applicable”. If the objective has not been fully achieved, the direct supervisor must specify what was achieved and what was not achieved. He/she should identify lessons learned and use the findings for planning the next PMSDS cycle. If an objective is not applicable anymore, the direct supervisor should select the option “Not applicable” and provide reasons.

In addition, the direct supervisor should list in the “Evaluation” section relevant achievements beyond the ones documented under the objectives and/or other important contributions of the staff member, for example, participation in functional working groups or official WIPO Boards.

The direct supervisor should discuss also how well the key competencies have been demonstrated at work. In case the organizational and managerial competencies are rated as “exceptionally”, “partly” or “not” demonstrated, provide further explanations.

3 OVERALL PERFORMANCE EVALUATION

The overall rating and comments should reflect the staff member’s overall performance including work delivered, competencies demonstrated and development accomplished, and should be consistent with the other sections of the PMSDS evaluation.

- **Outstanding** performance
- **Effective** performance
- **Improvement in performance required** (underperformance)
- **Unsatisfactory** performance (underperformance)
The rating “Outstanding performance” should be used exceptionally in cases where the performance of the staff member was clearly and significantly above expectations for the functional role.

The rating “Effective performance” should be used for staff members whose performance is in line with the organizational needs.

The rating “Improvement in performance required” should be considered when a staff member has shortcomings in performance but may improve performance to meet organizational needs.

The rating “Unsatisfactory performance” should be considered when severe shortcomings in performance exist or shortcomings in performance have already been identified in a previous PMSDS cycle and the staff member does not demonstrate an ability and/or willingness to improve performance sufficiently.

Both ratings “Improvement in performance required” and “Unsatisfactory performance” indicate the existence of performance shortcomings and are therefore considered as underperformance.

For more information on the rating scale and the different levels of performance, see “Understanding the PMSDS Rating Scale” and “Examples of Key Indicators by Performance Level” on the PMSDS page on the Intranet.

For all overall ratings, the direct supervisor must provide specific comments which support the rating given. In addition, irrespective of the rating, the direct supervisor must identify areas for development or improvement for any of the following reasons: to stay at the peak of expertise, in preparation for future career prospects, to keep competencies in line with the evolving needs of the Organization, to close skill gaps, or to raise performance to the organizational standard.

4 EVALUATION PROCESS
The performance evaluation process consists of four formal steps in AIMS/HR Performance Management, namely

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<td>(1)</td>
<td>the establishment of the performance evaluation by the direct supervisor;</td>
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<td>(2)</td>
<td>the acknowledgement of the performance evaluation by the staff member;</td>
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<td>(3)</td>
<td>the submission of the performance evaluation to the reviewing officer by the direct supervisor; and</td>
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<td>(4)</td>
<td>the approval of the performance evaluation by the reviewing officer.</td>
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Once the performance evaluation has been established in AIMS/HR Performance Management, the direct supervisor shall send it to the staff member for acknowledgement. By sending it to the staff member, the direct supervisor confirms that he/she has held a meeting with the staff member in which her/his performance during the cycle was discussed.

Upon receipt of the performance evaluation, the staff member has ten (10) working days (days on which the staff member is present at work either full time or part time) to acknowledge the evaluation and make comments, if any. Acknowledgement is not an indication that the staff member agrees with the performance evaluation.

After the staff member acknowledges the evaluation, the direct supervisor will be notified of the acknowledgement and the staff member will not be able to change any comments he/she may have added.

If the staff member fails to acknowledge the performance evaluation within ten (10) working days, the direct supervisor may override the acknowledgement and carry the performance evaluation forward to the next step in the evaluation process, that is, the submission of the performance evaluation to the reviewing officer. In such a case, the staff member shall lose the opportunity to record any comments in the performance evaluation.

Until the direct supervisor submits the performance evaluation for approval to the reviewing officer, he/she may reopen and update it, as necessary (e.g., to take into account discussions with the staff member). In such a case, the direct supervisor shall resend the performance evaluation to the staff member for acknowledgement.

After the staff member’s acknowledgement or the direct supervisor’s override of the acknowledgement, as per the above, the direct supervisor must submit the performance evaluation to the reviewing officer for approval.

If the reviewing officer agrees with the performance evaluation of the direct supervisor, he/she approves it in AIMS/HR Performance Management. Once approved by the reviewing officer, the performance evaluation is considered completed.

For more information on dealing with disagreement on the evaluation, see Chapter 7 of this document.

5 REWARDS AND RECOGNITION LINKED TO OUTSTANDING PERFORMANCE

WIPO’s Rewards and Recognition Program rewards outstanding performance and recognizes how the performance of staff may contributes in a significant manner to the achievement of WIPO’s expected results. The Program is linked to WIPO’s core values and strategic goals, as well as the performance of individuals and teams. For more information on WIPO’s Rewards and Recognition Program, see the Intranet page on this subject.
6 ADMINISTRATIVE CONSEQUENCES LINKED TO THE OVERALL RATING

The WIPO Staff Regulations and Rules and Office Instructions establish administrative consequences linked to the performance of staff.

For more information on linked administrative consequences please see FAQ “What are administrative consequences linked to the PMSDS overall ratings” on the PMSDS Intranet page.

7 DEALING WITH DISAGREEMENTS ON THE EVALUATION

7.1 Disagreement between Staff Member and Direct Supervisor

In the event of a disagreement concerning the evaluation (ratings and/or related comments), both the staff member and the direct supervisor should make every reasonable effort to resolve this through dialog. In case of a persisting disagreement, if requested by either the staff member or the direct supervisor, the reviewing officer shall be involved as a mediator who, together with the staff member and direct supervisor, will work towards a solution in the evaluation process.

It is recommended that the direct supervisor, the staff member and the reviewing officer complete the evaluation only once the PMSDS mediation process has been concluded. Once the mediation process is concluded, the reviewing officer shall notify the direct supervisor and the staff member in writing of the outcome. If no agreement could be reached during the PMSDS mediation process, the direct supervisor must enter her/his ratings and related comments in AIMS/HR Performance Management and then send the evaluation for acknowledgement to the staff member.

The staff member shall acknowledge the evaluation within ten (10) working days after the sending by the direct supervisor or within ten (10) working days from the date he or she was notified of the conclusion of the mediation, whichever is later.

By acknowledging the evaluation, the staff member is not prevented from contesting the evaluation under the existing rebuttal procedures.

A staff member who wishes to rebut her/his performance evaluation (appraisal) pursuant to Staff Rule 11.4.2 must submit her/his rebuttal in writing to the Director General, with a copy to the Director of HRMD, within thirty (30) calendar days from the date of the decision of the reviewing officer, which is the date on which the staff member is notified about the reviewing officer’s approval (as evidenced by automated email). Further details on the rebuttal procedure are provided in a separate Office Instruction on “Rebuttal of Performance Appraisal”.

5
7.2 Disagreement between Direct Supervisor and Reviewing Officer

If the reviewing officer does not agree with the performance evaluation given by the direct supervisor (irrespective of whether or not the staff member is in agreement with this evaluation) he/she can deny the approval, after having discussed the matter with the direct supervisor. In such a case, the system will reopen the performance evaluation, allowing the direct supervisor to introduce changes. Thereafter, the performance evaluation shall be reprocessed in accordance with the procedure described under chapter 4 “Evaluation Process” of this document.

In the exceptional case where the supervisor and the reviewing officer cannot reach an agreement on the rating and/or comments, they may seek procedural advice from HRMD. The responsibility for determining the final rating rests with the reviewing officer. If different from the direct supervisor’s rating, the reviewing officer’s rating must be accompanied by supporting comments for insertion in AIMS/HR Performance Management. Thereafter, the performance evaluation shall be reprocessed in accordance with the procedure described under chapter 4 “Evaluation Process” of this document.
Annex E

Lei, Wei

From: Lei, Wei
Sent: November 29, 2016 9:54 AM
To: Efendioglu, Tuncay
Subject: RE: Your letter dated May 8, 2016 (case No. IOD-INV-2016-11)
Attachments: Further information and clarification

Dear Tuncay,

As your memorandum made no reference to the further information and clarification that I provided to the IAOC and copied to you on 1 October 2016 (see attached), I shall assume that you have decided to treat my earlier complaints separately from the one I made on 1 October 2016 and therefore the latter complaints are still outstanding, subject to IAOC’s review, although it is in my view that they are the same case as the latter was simply an explicit clarification of the former.

Concerning the report of wrongdoing against Mr. Sundaram on procurement irregularities, I am not aware of any other case that evaluated or investigated Mr. Sundaram’s failures in performing his role as the High Level Official on Procurement (HLOP), which was the basis of my report. Your decision to also close the case of my report of wrongdoing seems to indicate that there was such a case. If this is an accurate interpretation, I would be grateful if the conclusion of that case could be shared with me as it also concerns my report. Otherwise – if the case you were referring to concerns the Director General’s roles in the said procurement irregularities, I would urge you not to close the case before a separate evaluation or investigation.

I would be more than happy to meet for further discussion.

Best,
Wei

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From: Schwob, Lise
Sent: November 28, 2016 8:46 AM
To: Lei, Wei
Cc: Efendioglu, Tuncay
Subject: Your letter dated May 8, 2016 (case No. IOD-INV-2016-11)

Dear Mr. Lei,

On behalf of Mr. Efendioglu, please find attached an advanced copy of a memorandum addressed to you. The original is being sent to you via internal mail today.

With kind regards,

Lise

Lise Schwob
Division de la supervision interne - Internal Oversight Division
34, Chemin des Colombettes -1211 Genève 20 – CH | T +41 (0)22 338 71 16
Dear Mr. Singh,

In accordance with OI 33/2017, this is to report an allegation of misconduct, as defined in the paragraph 4.(g), against Mr. Ambi Sundaram.

It is observed that Mr. Sundaram deliberately acted in breach of OI 61/2009.

**Background**

In November 2013, I complained to Mr. Sundaram about irregularities concerning a procurement, of which I was the chair of the evaluation team. In December 2013, I reported the procurement irregularities to Mr. Avard Bishop, the Chief Ethics Officer at the time.

In April 2014, a "Report of Misconduct" against Mr. Francis Gurry, the Director General of WIPO, by Mr. Jim Pooley, the then Deputy Director General of WIPO, surfaced on the Internet. Mr. Pooley's allegations included the procurement irregularities.

From August 2014 to January 2016, I participated in the initial evaluation conducted by an external investigator and later investigations conducted by UN OIOS against Mr. Francis Gurry on, inter alia, an alleged misconduct concerning procurement irregularities.

During the evaluation and investigation, Mr. Gurry and Mr. Sundaram repeatedly asked who leaked the fact about the procurement irregularities. It was intimidating. According to a number of witnesses, including at least two WIPO senior officials and a senior member of a diplomatic Mission to Geneva, Mr. Gurry and Mr. Sundaram believed that I was the one leaked the procurement irregularities and was considered as disloyal.

In October 2015 and May 2016, I also filed report of misconduct and complaint of retaliation against Mr. Sundaram. See attached "Report and complaint".

OIOS concluded its investigation against the Director General and reported that "the conduct of Mr. Francis Gurry may be inconsistent with the standards expected of a staff member of the World Intellectual Property Organization" and recommended that "the Chair of the General Assembly of the World Intellectual Property Organization consider taking appropriate action against Mr. Francis Gurry".

**Representational Roles of the Chief Information Officer**

On 16 October 2015, Mr. Sundaram notified ICC that I would be replaced by another WIPO colleague to represent WIPO at the ICC meetings. See attached "Letter to Mr. Kern".

Despite my repeated complaints, on 8 December 2015, Mr. Sundaram sent me a memo to justify his decision to replace me as WIPO’s representative to ICC Management Committee. See attached "ICC memo December 8 2015".

On 20 October 2017, I complained to Mr. Sundaram again about removing me from representing WIPO in ICC’s Management Committee. I highlighted that his action "was in direct breach of the OI 61/2009" and requested Mr. Sundaram to restore my representational roles and to notify me of other representational roles that I had not been given. Mr. Gurry was also notified separately but had not responded to-date.

In his email (also attached) to me on 6 November 2017, Mr. Sundaram reiterated his earlier decision and refused to restore my representational roles with full knowledge that his action was in breach of OI 61/2009. He also failed to mention at least one initiative that was launched days before – the Global IP Platform Integration (GIPPI). From the
GIPPI presentation material it can be seen clearly that this is an extensive ICT program. It can also been seen that I am not in the Program Board (slide 10); nor the Project Management Team (slide 11).

**Allegations of Misconduct**

OI 61/2009 clearly states that “…all current and future initiatives that have an ICT component within them must ensure representation of CIO or his delegate, who may be designated from any part of the Organization in consultation with the Program Managers, on their project governance structure. The CIO, or his delegate, would thus be a member of the governing/oversight body for projects.”

OI 61/2009 also explicitly states that “The CIO, or his delegate, will represent WIPO on the ICC Management Committee and any networks or fora with the international or regional communities on ICT matters.”

OI 61/2009 is also attached for your convenience.

Contrary to these stipulations, Mr. Sundaram has removed me from representing WIPO at the UN ICC Management Committee and failed to invite me into the governing bodies of the GIPPI program.

OI 33/2017 defines that misconduct “shall include abuse of authority, fraud, corruption, the failure of one or more members of personnel to comply with his or her obligations to the Organization including under the Staff Regulations and Rules or other relevant administrative issuances, the Financial Regulations and Rules, or the Standards of Conduct of the International Civil Service or other terms of their engagement, and any request or instruction from any member of personnel to violate the above-mentioned regulations, rules, standards, issuances or terms, and other wrongdoing.”

It is alleged that Mr. Sundaram’s actions constitute abuse of authority and failure of his obligations to the Organization by intentionally breaching OI 61/2009.

I request that an investigation is launched and that I am notified with the result.

It is noted that the Director General was fully aware of my exclusion from the UN ICC but failed to act. It is further noted that GIPPI was initiated by the Director General and therefore it is possible that my exclusion from the governing bodies of GIPPI was the wish of the Director General. Therefore, I suggest that the investigation covers the roles the Director General has played in these decisions.

As these decisions bear the marks of retaliations against me due to my involvement in the investigation against the Director General, as outlined above under “Background”, I would like to express my serious concern if the Director General were to be provided with the report of this investigation and were to be asked to make a determination on your recommendations, if any. Therefore, in accordance with the paragraph 31, OI 33/2017, I would argue that the Director General should recuse himself from making any determination on the outcome of your investigation.

Regards,
Wei

________________________
Wei Lei
Chief Information Officer
Information and Communications Technology Department
World Intellectual Property Organization
+ 41 22 338 7776
Report of wrongdoing by the Director General Mr. Francis Gurry

Dear Messrs. Amon and Kaltenbach,

I would like to report misconduct by the WIPO Director General, Mr. Francis Gurry as detailed below.

It has come to my attention that Mr. Gurry prepared written comments on the OIOS Report on 30 May 2016 and then made available and/or distributed those comments to the Member States’ representatives. The comments contained numerous misleading, even plainly false, information, some of which constituted personal attacks against me as a witness in a pending investigation. Mr. Gurry’s comments are available on the Internet (http://gentiumlaw.com/wp-content/uploads/2016/10/Comments_of_Francis_Gurry_on_IOS_report_30_May_2016.pdf). The document is also attached to this report for your convenience.

In my view, Mr. Gurry has committed the following wrongdoings:

- Abuse of authority by not using established channels in dealing with report of wrongdoing;
- Attempted cover-up by purposefully providing misleading or false statements.

I will now provide more detailed observations strictly based on the facts known to me, although I hope that your investigation of my report will reveal additional relevant information. For ease of reference, paragraph numbers referring to the OIOS Report, which is also available on the Internet in redacted form (http://www.foxnews.com/world/interactive/2016/09/27/un-world-intellectual-property-organization-report/), will have the prefix of “OIOS” (e.g. OIOS 150 refers to the paragraph 150 in OIOS Report) and paragraphs referring to Mr. Gurry’s Comments will have the prefix of “FG” (e.g. FG 4 refers to paragraph 4 in Mr. Gurry’s Comments).

**Abuse of authority by not using established channels in dealing with report of wrongdoing**

When reporting wrongdoing, including complaints of retaliation, WIPO staff are bound by the channels defined in the WIPO Whistleblower Protection Policy.
If Mr. Gurry felt that he was wrongly accused by OIOS, he could either provide his comments to OIOS, which he did according to OIOS 199, or use the same channels that are available to any other WIPO staff member as defined in the Whistleblower Protection Policy to report the wrongdoing. Even as the Director General, he should not be entitled to directly communicate to Member States his own version of the facts. If this behaviour is acceptable, any other WIPO staff member should also have such privilege.

Attempted cover up by purposefully providing misleading or false statements

Mr. Gurry provided numerous misleading or plainly false statements, apparently in an attempt to cover up his actions, which OIOS had determined to be “inconsistent with the standards expected of a staff member of the World Intellectual Property Organization” (OIOS 205). Some of these statements constitute personal attacks against me as a witness and whistleblower.

FG 6 stated that “PTD/13/098 was properly cancelled because it had been issued contrary to direct instructions”. This is not only false, but also constitutes an attack against my integrity. As the Chair of the evaluation team, I did not receive any instruction on how/when/what to issue before PTD/13/098 was cancelled.

The statement “… have been no instructions to base the evaluation purely on the technical evaluation…” in the same paragraph is also false. The evidence collected by OIOS investigators and presented under OIOS 155 clearly shows that the instructions were to put aside the pre-determined selection criteria and to select the supplier primarily on technical grounds.

FG 11 stated that “The platforms are managed under a federated model for the management of IT … rather than the platform being centrally managed, while the ICTD is responsible for the underlying infrastructure and common standards for architecture and technology”. This is inaccurate and misleading. In fact, all the ICT infrastructure used to support WIPO systems is centrally managed. Information security was also centrally managed by ICTD under my responsibility at the time.

FG 14 stated that “Naturally, the RFP was preceded by a great deal of reflection on my part and on the part of relevant senior management, as well as extensive discussions in the Risk Management Group and the ICT Board”. This is inaccurate and misleading. In fact, the first Risk Management Group meeting took place in May 2014, well after the RFP was launched and concluded. The ICT Board discussion on this topic concerning the approach of the RFP, including possible suppliers, was also after the cancellation of PTD/13/098.

FG 15 stated that “…the RFP … had been issued contrary to his instructions to put the matter on hold pending his return and for the ToR to be cleared by the ICT Board”. This is not only false, but also constitutes an attack against my integrity. Although Mr. B was regularly briefed on the progress of the development of the RFP, he showed little interest in it and there was never any instruction to hold it back for any reason, nor any suggestion of inviting any other companies, before PTD/13/098 was cancelled. Even after the cancellation, Mr. B never provided me any suggestion to include any supplier.

As Mr. Gurry also considered the list of initially invited vendors “was a defective piece of work” (FG 15), one should ask: if both Mr. B and Mr. Gurry were of the view that the initially invited vendors were inappropriate for the job, why did the list of invited vendors remain the same, except for adding Company 1 on Mr. Gurry’s request, when the RFP was reopened again?

Also, the statement in FG 15 “After a discussion with Mr. Gurry, Mr. B decided to cancel the tender …” is inconsistent with his statement given to the OIOS investigators. In OIOS 194, Mr. Gurry told the investigators that “he [Mr. Gurry] decided to cancel the exercise”.

Mr. Gurry’s statements implied that the ICT Board discussed the types of companies to be engaged and that the cancellation of PTD/13/098 was necessary as it did not adequately reflect the Board discussions. However, as mentioned before, such a discussion at the ICT Board took place after the initial RFP had been cancelled. This was accurately reflected in OIOS 142.

In FG 16, Mr. Gurry argued against OIOS’s conclusion that “The comparison between the ToRs of two procurement processes showed that minor changes were made …” (OIOS 201.ii.). As the author of the original ToR and the revisions, I can confirm that the changes were indeed minor.

FG 17 stated that “The potential list of service providers had been discussed at the ICT Board …” was misleading. The discussion did take place at the ICT Board but it was after the cancellation.

In the same paragraph Mr. Gurry attempted to discredit the initially invited vendors as “… the consultancy arms or spin-offs of the four major accountancy firms”, while praising the companies such as Fireeye (should normally be spelt as FireEye) and Kaspersky. This is also misleading. The initially invited vendors were carefully selected based on independent and credible sources. They were and still are the leading contenders for developing information assurance and information security strategies and practices. Companies like FireEye and Kaspersky are well-known for providing specialized products and related consultancies for defending information security. It must be emphasized that the purpose of the RFP was not to acquire such technical products. In fact, right from the beginning companies providing technical products were purposely excluded from the vendor list to avoid conflicts of interest (by providing advice in favour of their own products).

Statements in FG 18, 19 and 20 did not give an accurate picture. There was no argument that Company 1, which was favoured by Mr. Gurry, was the best on technical grounds. However, Mr. Gurry failed to mention that Company 3 was only 0.87 point (out of a maximum of 70 points) behind Company 1 and that Company 1’s offer was 62% more expensive than that of Company 3. Furthermore, Company 3 was determined by the evaluation team to have better understanding of the requirements and lower overall risks, which attracts a higher score. All this information can be found in the table under FG 19.

Mr. Gurry failed to mention that he stopped the evaluation team from issuing the initial recommendation and instructed the team to change the evaluation criteria, which led the team in its second evaluation report to base its evaluation on technical grounds only. Mr. Gurry also failed to mention that after giving his OK to this second report, it was refused by the Procurement and Travel Division (PTD) as they, rightly so, considered the recommendation was against the procurement rules. This was accurately reflected in OIOS 166.

FG Annex 1 looks innocent on its own. However, it should be noted that it was based on the evaluation team’s third and final report. By that time, the team was caught between Mr. Gurry, who had demanded that the evaluation be on technical grounds, and PTD, who had rightly insisted that the original evaluation criteria be respected. The team therefore simply submitted an unusual recommendation for Company 1 on technical grounds only or for Company 3 on original criteria. This was accurately reflected in OIOS 169.

FG 21 and 22 created a misperception that Mr. Gurry did not disregard the financial weight factor. However, it is important to emphasize that the financial negotiation with Company 1 took place after the decision had been made to award the contract to Company 1. It is a normal practice at that stage to negotiate with the winning bidder.

The comparison between a negotiated price from Company 1 and the original quotation from Company 3 was also completely misleading and meaningless. As Company 3 was never given the chance to negotiate the price, we cannot know to what extent it would have reduced its price if given an opportunity to do so.
Furthermore, when the RFP was issued, it was never anticipated that the work would attract a price close to CHF 100,000. For contracts exceeding CHF 100,000, different RFP processes would have to be used and the final recommendation would have to be defended in front of the Contract Review Committee. This was hinted to Company 1 during the telephone negotiation. Therefore, the negotiation was out of necessity in order to award the contract to the Company 1 without further scrutiny, rather than out of Mr. Gurry or Mr. B’s concern for financial components of the evaluation requirements.

In FG 23, 24 and 25, Mr. Gurry ignored the fact that he and Mr. B instructed me as the Chair of the evaluation team to change the evaluation criteria after opening the bid. This was clearly against the procurement rules. The real facts are accurately reflected in OIOS 166 and 167.

It is irrelevant whether Mr. Gurry and Mr. B had individually pressured the evaluation team members, as the Chair was obliged to convey the instructions to the team members and the team complied with the instructions.

Contrary to Mr. Gurry’s claims that there was no evidence of his interference, the evidence was accurately captured in OIOS 155 and 156.

Statements in FG 28 were misleading. First, Office Instruction (OI) 1/2014, which was quoted by Mr. Gurry, was issued by Mr. Gurry in September 2014, long after these events, and therefore it is irrelevant. The appropriate procurement rules at the time were contained in OI 21/2006.

Second, throughout this and the following paragraphs Mr. Gurry continuously used “best interests of Organization” as his defence for interfering with the procurement process. However, although “best value for money” and “best interest of WIPO” were both listed under General Principles in OI 21/2006 (under 3.(a) and 3.(d) respectively), paragraph 37 of the OI 21/2006 reads: “…tenders obtained following … an RFP are evaluated in accordance with the principles described in paragraph 3 above and according to the procedures set out in the following paragraphs”. One of the “following paragraphs” is paragraph 39, which reads “…the procurement contract shall be awarded to the qualified proposer whose proposal, all factors considered, including value for money, is evaluated to be the most responsive to the requirements set forth in the solicitation documents.” According to these rules, Company 3, as a qualified proposer whose offer was better value for money, should have been awarded the contract.

Therefore, emphasizing “best interests of Organization” alone as if it is a rule that overrules all other rules is seriously misleading.

FG 29 stated that “…the contract was awarded to the bidder that was by far the most expensive because the other bidders were found not to have the requisite technical expertise”. This was simply false. As repeatedly mentioned above, Company 3, which was initially recommended by the evaluation team with confidence, was marginally behind Company 1, which Mr. Gurry favoured, on technical grounds. In fact, it was considered to have lower risk to carry out the contract.

FG 31 stated that “…a subordinate who forms a personal view that is contrary to the majority view and who dislikes being made to re-do work that is not sufficiently professional in quality…” and “…does not like the re-organization of his area which led to security being placed under a new Director…” are not only false, but also constitute an attack against my integrity.

If the initial work was “not sufficiently professional in quality”, why were none of the initially solicited suppliers dropped and the only additional supplier added happened to be owned by Mr. Gurry’s acquaintance; and why were the variations between the two ToRs so insignificant?

Besides, it was also accurately reflected in OIOS 167 that at least another WIPO official objected to “the disregard of the pre-selected criteria”.
It should also be pointed out that the establishment of the new Director for Information Assurance was on my recommendation and the re-organization was only known to me and took place in 2015. To suggest that my actions in 2013 and my witness statements given in 2014 were somewhat influenced by my personal views on the re-organization is both illogical and an unjustified attempt to discredit me as a witnesses.

**Summary**

As these are serious matters, I request that IAOC notify the Member States of my report and take appropriate actions immediately. Furthermore, I also request that IAOC take immediate and meaningful actions to protect me as a whistleblower, considering that my allegations are against the most senior official in the Organization.

Best regards,

Wei Lei

Cc.

Mr. Tuncay Efendioglu
Acting Director, Internal Oversight Division (IOD)