



Mr. Francis Gurry
Director General
WIPO
34, Chemin des Colombettes
1211 Genève 20

13 November 2018

Dear Mr. Gurry,

We are writing to you on behalf of the three staff federations of the UN common system, CCISUA, FICSA and UNISERV, representing 120,000 international civil servants worldwide, regarding what would appear to be a serious act of reprisal against Mr. Wei Lei, who holds a D2 Chief Information Officer position at WIPO and who is also the Vice-President of the WIPO Staff Association.

We have been informed that the WIPO Administration has suspended Mr. Lei (an Australian national) from duty and given him seven days to respond to a charge letter, following what seems to be a tainted investigation conducted by WIPO into an alleged ATM bank card fraud.

Mr. Lei has been accused by WIPO of having used a colleague's ATM bank card to withdraw CHF 300 from that person's bank account at the UBS bank ATM on the WIPO premises. Mr. Lei denies the accusation and neither UBS nor the Swiss authorities have provided WIPO with any evidence or record that would substantiate the accusations.

The staff federations find all of this rather strange given the context. Mr. Lei was a key witness in the investigation carried out by the UN Office of Internal Oversight Service (OIOS) into the alleged misconduct (procurement corruption) by you as WIPO Director General. A violation of the standards of conduct was substantiated by the OIOS; however, Member States decided not to take any action against you. Following the investigation, you apparently received an unredacted copy of the OIOS report, thereby exposing the witnesses to retaliation – this is contrary to standard investigative practice at WIPO.

We have been informed that Mr. Lei has already been investigated twice over the last two years and cleared of any wrongdoing during both investigations.

Furthermore, he is not the only staff representative at WIPO being subjected to such type of investigation or undergoing alleged harassment. We understand that Mr. Christopher Mason, President of the WIPO Staff Association (WSA), would seem to be the subject of yet another such investigation and Mr. Olivier Steele, another Vice-President of the WSA, has allegedly been informed that his fixed-term contract will not be renewed after 31 January 2019, because of a negative performance evaluation and his supervisor's explicit disapproval of his activities as a staff representative, despite the fact that he has provided twenty years of loyal service to the Organization. Additionally, the case of Ms. Miranda Brown, former D2-level Strategic Adviser to the WIPO Director General and a prominent, blacklisted whistleblower who was forced out of WIPO, has still not been settled by the WIPO Administration, despite renewed legal action.

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Mr. Lei, having been refused whistleblower protection by the WIPO Ethics Office appealed, in accordance with the WIPO whistleblower protection policy, to the UNOPS Ethics Office which subsequently granted him the status of whistleblower and the protection which is supposed to be accorded thereto. Moreover, the UNOPS Ethics Office concluded that an independent investigation must be conducted at WIPO to investigate the reported retaliation against Mr. Lei for having been a key witness against you in the above-mentioned OIOS investigation. We have been informed that this long-awaited investigation has finally been initiated but that the Terms of Reference may have been manipulated in breach of WIPO policy.

It has now come to our attention that WIPO's current investigation of Mr. Lei may be flawed and that the so-called evidence may possibly have been manipulated or otherwise clearly does not prove his culpability beyond a reasonable doubt.

We understand that, for all of the above reasons, Mr. Lei has filed a complaint with the Geneva Prosecutor General and has expressly requested and volunteered to have his privileges and immunities lifted so as to allow the competent Swiss authorities to conduct a proper and independent investigation. It seems, however, that WIPO has repeatedly refused to lift Mr. Lei's privileges and immunities preventing the Swiss authorities to proceed with the investigation. Despite its inability to obtain cooperation from the UBS bank, WIPO has apparently concluded the investigation and initiated disciplinary processes against Mr. Lei for serious misconduct that is likely to result in his summary dismissal.

Against the backdrop of allegations, OIOS investigations, WIPO investigations focused on staff representatives, reported retaliation and the decision of the UNOPS Ethics Office that Mr. Lei must be protected from retaliation; it makes it increasingly difficult to give credibility to any investigation conducted by WIPO.

In line with an organization's duty of care to its staff and to ensure that Mr. Lei is provided a fair and independent investigation conducted by the Swiss authorities which can interact with the bank concerned, the staff federations strongly encourage you to lift Mr. Lei's privileges and immunities in order to allow the Swiss authorities to conduct an independent investigation into the alleged ATM bank card fraud. We urge you, in our capacities as Presidents of the three UN common system staff federations, to immediately suspend the disciplinary proceedings against Mr. Lei until the UNOPS evaluation in regards to retaliation is completed, an investigation by the Swiss authorities has taken place and the matter is finalized. We also urge you to suspend all actions against other elected WSA officials until WSA's complaint against the WIPO Administration has been settled by ILOAT.

Failing to do so can only lead the three staff federations to conclude that this and other investigations against staff representatives at WIPO are contrived in order to silence any voice of criticism or respectful dissident opinion. We would therefore insist that all ongoing forms of retaliation against the WIPO Staff Association, whistleblowers and staff at WIPO who raise allegations of misconduct by WIPO Administration be stopped immediately.

Lastly, we are alarmed that the policies in place at WIPO to protect staff from retaliation are still not functioning.

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We shall continue to monitor this issue closely.

Yours sincerely,



Ian Richards
President
Coordinating Committee for
International Staff Unions and
Associations (CCISUA)



Brett Fitzgerald
President
Federation of International Civil
Servants' Associations
(FICSA)



Steve Towler
President
United Nations International
Civil Servants' Federation
(UNISERV)

- cc. Ambassador Esmael Baghhai of Iran, Chairman, WIPO Coordination Committee
WIPO Member States
Mr. António Guterres, Secretary-General of the United Nations
Executive heads of FICSA, CCISUA and UNISERV member organizations
Member staff associations/unions of FICSA, CCISUA and UNISERV