REPORT OF THE INVESTIGATION ON ALLEGATIONS
REFERRED BY THE JOINT INSPECTION UNIT
CONCERNING MR. KAMIL IDRIS, DIRECTOR GENERAL OF WIPO

By the

Senior Internal Auditor and Acting Director
Internal Audit and Oversight Division

NOVEMBER 2006
TABLE OF CONTENTS

A. BACKGROUND .................................................................................................. 3

B. AUTHORITY TO INVESTIGATE ....................................................................... 3

C. APPLICABLE REGULATIONS AND RULES ...................................................... 4

D. ALLEGATIONS AND CONCERNS .................................................................... 5

E. INFORMATION GATHERING AND ASSISTANCE ........................................... 6
   E.1. Desk analysis .......................................................................................... 6
   E.2. Interviews .............................................................................................. 7

F. FINDINGS .......................................................................................................... 7
   F.1. Change of birth date ............................................................................... 7
   F.2. Request for change of birth date .............................................................. 8
   F.3. Action taken in the past to rectify this error ............................................ 8
   F.4. Mr. Idris' Career at WIPO ....................................................................... 10
       F.4.1. Summary of WIPO Career ............................................................... 10
       F.4.2. Initial Appointment ........................................................................ 11
       F.4.3. WIPO Career and subsequent CVs .................................................. 13
   F.5. Education and Employment prior to 1982 .............................................. 15
       F.5.1. Education ....................................................................................... 15
       F.5.2. Employment ................................................................................... 16
   F.6. Personal identification documents ............................................................ 17
   F.7. UN Laissez-Passer .................................................................................. 18
   F.8. Legitimation card .................................................................................... 19
   F.9. Signatures ............................................................................................... 21
   F.10. Registre Foncier .................................................................................... 22
   F.11. Visa requests .......................................................................................... 22

G. PERSONAL ADVANTAGES AND DISADVANTAGES .................................. 23
   G.2. Future potential advantages ................................................................... 24

H. CONCLUSIONS ................................................................................................. 29
   H.1. Re: Allegation 11.1 ................................................................................ 29
   H.2. Re: Allegation 11.2 and Concern 12.1 .................................................... 30
   H.3. Re: Concern 12.2 ................................................................................... 32
   H.4. Re: Concern 12.3 ................................................................................... 33

I. OTHER ISSUES ARISING FROM THIS INVESTIGATION ............................... 33

Appendix: Education and Employment Information

2
A. BACKGROUND

1. The Senior Internal Auditor and Acting Director of the Internal Audit and Oversight Division (IAOD) of WIPO, hereinafter referred to as “the Investigator”, received on June 8, 2006, a letter from the Chairperson of the Joint Inspection Unit (JIU), Ms. Deborah Wynns, requesting him to undertake on their behalf, as the Internal Auditor of WIPO, and “in order to put the issues to rest, one way or the other”, an investigation into allegations concerning, inter alia, the change of the date of birth of Mr. Kamil Idris, Director General of WIPO, from 1945 to 1954. Attachments to the letter contained relevant background documentation, namely copies of a number of signed applications for UN Laissez-Passer indicating his birth date as August 26, 1945, as well as a copy of a letter sent to WIPO in 1994 by the then Ambassador of Sudan, stating that Mr. Idris was born in 1945.

2. The Investigator further received a copy of identical letters sent on June 16, 2006 by the Chairperson of the JIU to the Chair of the WIPO Coordination Committee (CC) and the Chair of the WIPO Audit Committee, informing them of the receipt of the above mentioned allegations and of the request made to the Investigator to carry out an investigation into the matter. These letters further indicated that the JIU had also received information about a third birth date for Mr. Idris, namely August 26, 1953.

3. The Investigator confirmed to the Chairperson of the JIU, by letter dated July 6, 2006 copied to the Director General and the Legal Counsel, that following a preliminary examination of the documents attached to their letter, and in compliance with the mandate of the WIPO Internal Auditor as spelled out in the WIPO Internal Audit Charter, he would carry out the investigation, as requested.

4. An exchange of letters between the Ambassador/Permanent Representative of Nigeria and the Chairperson of the JIU, concerning the value of these allegations and the mandate of the JIU, was also copied to the Investigator.

B. AUTHORITY TO INVESTIGATE

5. The authority of the JIU to undertake investigations within UN system Organizations is contained in Article 6, Paragraph 1 of its Statutes: “Acting singly or in small groups, the Inspectors shall make on-the-spot inquiries and investigations, some of which may be without prior notification, as and when they themselves may decide, in any of the services of the organizations.” Article 6, paragraph 2, also states: “The Inspectors shall be accorded full co-operation by the organizations at all levels, including access to any particular information or document relevant to their work.”

6. The WIPO Internal Audit Charter provides the Investigator with the authority to undertake this investigation.
The investigation has been carried out in accordance with the Uniform Guidelines for Investigations, endorsed by the Conference of International Investigators.

7.1. Investigation is defined therein as "a legally based and analytical process designed to gather information in order to determine whether wrongdoing occurred and if so, the persons or entities responsible".

7.2. Within the UN system, the Investigator’s role is of a fact-finding nature, aimed at searching information that could determine whether an allegation is valid and whether there is sufficient evidence to substantiate violations of applicable rules and regulations, misconduct, mismanagement, abuse of authority and waste of resources.

7.3. Accordingly, the Investigator has undertaken this investigation in an objective, impartial and fair manner, in order to establish facts relating to the allegations referred to him by the JIU, by reviewing and analyzing the relevant documentation, and by conducting interviews, as required.

7.3.1. A copy of all the documents referred to in this report is kept by the Investigator.

C. APPLICABLE REGULATIONS AND RULES

8. The Standards of Conduct for the International Civil Service, adopted by the General Assembly of the United Nations in 2001, and by the Assemblies of WIPO in 2002, constitute the general framework for the conduct of international civil servants employed by UN system organizations. In particular, paragraph 5 states the following: "The concept of integrity enshrined in the Charter of the United Nations embraces all aspects of behaviour of an international civil servant, including such qualities as honesty, truthfulness, impartiality and incorruptibility. These qualities are as basic as those of competence and efficiency, also enshrined in the Charter."

9. WIPO Staff Regulations and Staff Rules embody the fundamental conditions of service and the basic right, duties and obligations of staff members of WIPO.

9.1. Regulation 1.5 concerns "Conduct" and states the following: "Staff members shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity which is incompatible with the proper discharge of their duties with the International Bureau. They shall avoid any action, and in particular any public pronouncement, which may adversely reflect on the international civil service or which is incompatible with the integrity, independence and impartiality required by their status. While they are not expected to disregard their national sentiments or their political or religious convictions, they shall at all times act with the reserve and tact incumbent on them by reason of their international status."
9.2. Regulation 4.11, which concerns “Information Requested of Staff Members and Obligation to Supply such Information”, states the following: “Staff members shall be responsible on appointment for providing the Director General with the information necessary for the purpose of determining their status and entitlements under the Staff Regulations, or for taking the administrative measures required by their appointment.”

9.3. Rule 4.11.1(a) states: “Staff members shall be responsible for informing the Director General promptly in writing of any change which might affect their status and entitlements under the Staff Regulations and Staff Rules”.

9.4. Regulation 4.12(c) states the following: “A copy of the Staff Regulations and Staff Rules shall be transmitted to the staff member together with his letter of appointment. The latter shall be accompanied by a declaration of acceptance for signature by the staff member. The declaration shall state that the staff member has noted the conditions laid down in the Staff Regulations and Staff Rules, and that he accepts the appointment as offered to him.”

10. Every staff member joining the Organization must sign an “Oath or Declaration of Loyalty towards WIPO” before the Director General or before the authorized representative of the Director General. The text of the Oath signed by Mr. Idris in February 1983 is as follows:

10.1. “I solemnly swear / I solemnly undertake to exercise in all loyalty, discretion and conscience the functions entrusted to me as a staff member of WIPO, to discharge these functions and to regulate my conduct with the interest of WIPO only in view, without seeking or accepting instructions or assistance from any Government or other authority external to WIPO in regard to the accomplishment of my duties.”

D. ALLEGATIONS AND CONCERNS

11. The main allegations referred by the JfU are the following:

11.1. In 2006, Mr. Idris changed his birth date from 1945 to 1954, on grounds that a typographical error had been made, which needed correction;

11.2. The error had only been discovered now, in spite of his personal signature in 12 previous Laissez-Passer verifying 1945 as his birth year.

12. The concerns arising from the change of birth dates can be summarized as follows:

12.1. How the alleged wrong birth date of 1945 could remain undetected during almost 24 years;

12.2. What advantages, if any, in the past and now, the change of birth date have brought and/or could bring to Mr. Idris;

12.3. Whether the manner in which Mr. Idris has handled his birth date since joining WIPO has been in conformity with the personal and professional integrity expected from an international civil servant.
E. INFORMATION GATHERING AND ASSISTANCE

13. During the preliminary work aimed at identifying relevant internal documentation, the investigator benefited from the cooperation of all concerned services. Accordingly he was given access to relevant files and documents from the Human Resources Management Division (HRMD), the Office of the Legal Counsel and other services within the Organization.

14. The JIU assisted the investigator in the investigation process, by providing him with relevant documentation brought to its attention.

15. Interviews were conducted by the investigator with the assistance of the former Director of the Chief Executives Board for Coordination (CEB) Office in Geneva, Mr. Roger Eggleston, who participated as a witness. Answers by interviewees included in this report have been duly validated by him.

16. The investigator envisaged requesting formal assistance from the Investigation Division of the United Nations Office of Internal Oversight Services (UN OIOS), but was firmly advised by the Director General of WIPO, Mr. Idris, to undertake the investigation without the assistance of UN OIOS.

E.1. Desk analysis

17. The documentation reviewed by the investigator included the following:

17.1. Documents attached to JIU’s letter to the investigator, namely: copies of a number of application forms for obtaining a UN *Laissez-Passer* (hereinafter referred to as "UN LF"), signed by Mr. Idris, indicating his birth date as August 26, 1945; copy of a letter sent to WIPO in 1994 by the Ambassador of Sudan, stating that Mr. Idris was born in 1945.

17.2. Correspondence sent to the JIU by the University of Ohio, indicating August 26, 1953 as Mr. Idris’s birth date, as well as other documents received by the JIU.

17.3. Two HRMD files relating respectively to Mr. Idris’s entitlements and social security.

17.4. Mr. Idris's personal file pertaining to his employment with WIPO.

17.5. Files from WIPO’s archives.

17.6. Two explanatory notes transmitted by the Legal Counsel to the investigator.

17.7. Staff listings produced by WIPO’s SIGAGIP system.

17.8. Personal identification documents provided by Mr. Idris, indicating either "1954" as his birth year, or August 26, 1954 as his birth date.

17.9. Real estate information documents concerning Mr. Idris, published in the website of the *Registre Foncier* of the Canton of Geneva.

17.10. Correspondence exchanged between the Swiss Permanent Mission and HRMD.

17.11. Documents prepared and submitted by WIPO to Member States in connection with meetings of the WIPO Assemblies, the General Assembly (GA) and the Coordination Committee (CC).
E.2. Interviews

18. The following WIPO officials were interviewed for the purpose of the investigation:
   - Mr. Idris, Director General
   - Mr. Kwakwa, WIPO Legal Counsel since 2002
   - Mr. Gurry, WIPO Legal Counsel from 1996 to 2002
   - Mr. Toledo, HRMD Director as of June 1, 2005
   - Mr. Nitschke, HRMD Director from 1998 to 2005
   - Mr. Perrin, HRMD Director from 1993 to 1997

19. In addition, the Investigator also obtained some clarifications, by phone, from a former WIPO staff living outside the Geneva area.

F. FINDINGS

F.1. Change of birth date

20. The Investigator found that Mr. Idris’s birth date was changed from August 26, 1945, to August 26, 1954 in all the relevant WIPO records, including the Personnel Administration and Payroll System (SIGAGIP) database. This change is formally recorded in the Personnel Action Advice (PAD) dated April 27, 2006, and signed by the Deputy Director, HRMD, on May 1, 2006.

21. The change was also made, further to requests submitted by HRMD between March 9, 2006 and May 9, 2006, in the United Nations Joint Staff Pension Fund (UNJSPF), the Van Breda medical insurance and the Gerling accident insurance. A new United Nations Laissez-Passer was issued by the relevant service of the United Nations Office at Geneva (UNOG) with the new birth date, following the submission of a request form signed by Mr. Idris on March 29, 2006. HRMD requested the Swiss Mission, on March 30, 2006, to issue a carte de légitimation (hereinafter referred to as “legitimation card”) that would show 1954 as Mr. Idris’s birth year, instead of 1945. A new legitimation card showing August 26, 1954 as Mr. Idris’s birth date was eventually delivered by the Swiss authorities after the submission by HRMD, on April 10, 2006, of a birth certificate issued on May 4, 1998.

21.1. On July 3, 2006, the Director of HRMD and the Legal Counsel sent an e-mail message to all the WIPO employees, following the publication on local newspapers of articles referring to the change of Mr. Idris’s birth date, to indicate, inter alia, that “as for the administrative error in the Director General’s date of birth, the Legal Counsel and the Human Resources Department took it upon themselves to ensure that the necessary requirements and formalities were met” and that “the rectification will result in a considerable financial reduction in the pension of the Director General.” They also indicated that “contrary to what the newspapers alleged, the rectification will not result in an extension of the duration of appointment as Director General, as this process is decided upon by the Member States. In that regard, there is no age limit for candidates for the post of Director General.”
F.2. Request for change of birth date

22. The action leading to the change of the birth date of Mr. Idris is a memorandum dated March 7, 2006, sent by the Legal Counsel to the Head of Personnel, requesting to "rectify all the relevant records", in particular those filed with the UNISPF, in view of a "slight inconsistency" between birth dates, noticed while reviewing "the file relating to the Coordination Committee, the General Assembly and the Director General's contract with WIPO". Copy of Mr. Idris's Sudanese diplomatic passport and Swiss driver's license, showing "the correct date of birth", were attached to this memorandum.

22.1. It was not clear how the Legal Counsel came to notice this inconsistency since none of the documents of the Coordination Committee (CC) and the General Assembly (GA) have an indication of Mr. Idris's birth date. Also, among Mr. Idris's contracts, only the one issued in 1982 has a handwritten indication, made at an unspecified date by Mr Idris himself, of the need to change his birth date.

22.2. During the interview, the Legal Counsel indicated that, while he had not been aware of this birth date issue before, he had actually been requested by Mr. Idris at the beginning of 2006 to look into the matter, verify documentation and send the necessary instructions to HRMD for the rectification of his birth date in all the relevant records.

22.3. Mr. Idris confirmed that he had informed, at the beginning of 2006, the Legal Counsel of the inconsistency concerning his birth date and that there was a need to verify and rectify it.

23. The Legal Counsel's memorandum further asserts that Mr. Idris's original application form (hereinafter referred to as the "1982 Application Form") indicates his birth date as 26/08/1945, while his most recent passport and Swiss driver license show 26/08/1954 as his birth date, suggesting that this inconsistency may be attributable to an error in reversing the figures 45 and 54 when the 1982 Application Form had been submitted to WIPO.

23.1. The Investigator notes that the passport used as reference for the change of birth date only bears the reference "1954" as Mr. Idris's birth date, without any indication of day or month. The same reference to "1954" appears in all the passports of Mr. Idris that the Investigator could see.

F.3. Action taken in the past to rectify this error

24. Regarding action taken in the past to correct the recorded birth year of 1945, the Legal Counsel indicated in his March 7, 2006, memorandum that "attempts to correct it were initiated but not followed through".

24.1. Concerning these attempts, the Legal Counsel stated during the interview that he was not aware of attempts undertaken in the past. He further indicated that probably the former Head of HRMD and the former Legal Counsel had been informed of this birth date issue by Mr. Idris when he became Director General.
24.2. When asked about the attempts to correct Mr. Idris's birth date, the former Director of HRMD and the former Legal Counsel indicated that they were not aware of any such attempts and that they did not have any official knowledge about this birth date issue, except through hearsay.

25. The only hint of such attempts found by the Investigator are handwritten notes by Mr. Idris himself on the 1982 Application Form ("to be corrected soon") and on his Letter of Appointment dated December 10, 1982 ("As discussed with DG, please correct typo error in application form re date of birth 26.8.1954, instead of 26.8.1945."). Both these documents are contained in Mr. Idris's personal file.

26. The Investigator could not find any indication of transmittal of the above notes to the WIPO administration nor of any initiative undertaken by the administration to correct this error, until the March 7, 2006 memorandum sent by the Legal Counsel to the Director of HRMD.

26.1. During the interview, Mr. Idris indicated that he had written those comments on the 1982 Application Form and on his contract immediately after the error was discovered, in early 1983, when filling-in his WIPO entry forms. He further declared that he had informed accordingly the former Director General of WIPO, and his immediate supervisor, the then Director of the Africa Bureau.

26.2. He further stated that the former Director General did not consider this an important issue but a small matter. Accordingly he had advised him that there was no urgency to correct this error immediately.

26.3. Since both the former Director General and the former Director of the Africa Bureau have died, it was not possible for the Investigator to verify with them the authenticity of these assertions.

26.4. In response to the question why he continued to use the date of 1945 for filling-in or signing, from 1983 to 2006, many forms and official identification documents, Mr. Idris indicated that it was for consistency.

26.5. Since he became Director General of WIPO, on November 1, 1997, Mr. Idris was not bound any longer by the supposed understanding with the former Director General. Accordingly, he could have had this alleged error duly corrected shortly thereafter.

26.6. The Investigator also notes that when a staff member joins the organization, he does not have access to his own file. Accordingly, he does not have an opportunity to modify, or write on, his own Application Form submitted for the competition that eventually concluded with his/her nomination. The circumstances seem to indicate, therefore, that his annotation on his 1982 Application Form was added at some point when Mr. Idris had access to his file.

26.7. Similarly, initial contracts are usually signed by new staff in front of administrative officers of the Personnel (HR) service. Accordingly, any annotation of the nature of the one written by Mr. Idris on his initial contract would have prompted immediately an inquiry on the origin of the mistake and a change of the relevant records.
26.8. Mr. Idris signed his letter of appointment on December 10, 1982, but took up his duties in WIPO only in January 1983. Therefore, when he filled-in the required WIPO entry forms, in January 1983, his letter of appointment was by then already kept by HR.

26.9. The Investigator notes that according to the information collected during interviews, Mr. Idris has kept his own personnel file since he became Director General.

27. The Legal Counsel provided the Investigator, on June 23, 2006, with a copy of an untitled and undated one-page note explaining the background having lead to the change of date of birth of Mr. Idris. According to this note:

27.1. Reference to the 1945 birth date in all WIPO records was due to a typographical error made in Mr. Idris’s 1982 Application Form.

27.1.1. Mr. Idris indicated during the interview that the error had been made by a secretary of the Permanent Mission of Sudan when typing his WIPO Application Form, and that he had not detected it when signing the form.

27.2. "Attempts to rectify this error were not fully pursued, partly out of negligence and also because of the possible perception of wanting to prolong his years of service at WIPO".

27.2.1. Mr. Idris stated during the interview that negligence had been shown on his part, and on the part of the Administration.

27.3. The change was made in accordance with provisions of the Administrative Rules of the UN/ISPF, Articles B.1, B.2 and B.3 which state, inter alia, that "no change in the records relating to the date of birth of a participant or his or her prospective beneficiaries shall be accepted after the date of the participant’s separation.", and it would actually result in a substantive loss in Mr. Idris’s pension.

27.4. "The rectification of the erroneous data was an administrative act that merely entailed the presentation of relevant documentation such as a national passport, as proof of date of birth; the Swiss authorities duly issued a corrected legitimation card once the said proof was provided."

F.4. Mr. Idris’ Career at WIPO

F.4.1. Summary of WIPO Career

28. The career of Mr. Idris at WIPO is summarized below:

28.1. Mr. Idris joined WIPO on December 30, 1982, with the title of Senior Program Officer, Development Cooperation Division, grade P4, following Competition No. 459 (Office Instruction No. 1/1983).

28.2. On October 1, 1985, Mr. Idris was appointed Director, Development Cooperation and External Relations Bureau for Arab Countries, grade D.1 (WO/CC/XIX/3, paragraph 6).
28.3. On July 29, 1994, Mr. Idris was appointed Deputy Director General (DDG), effective August 1, 1994 (WO/CC/XXII/5, paragraph 23);

28.4. On September 22, 1997 Mr. Idris was appointed Director General of WIPO (WO/AGA/XXI/13, paragraph 6), effective December 1, 1997, for a period of six years.

28.5. On May 27, 2003, Mr. Idris was re-appointed Director General (A/38/3, paragraph 13) for the period December 1, 2003 to November 30, 2009.

F.4.2. Initial Appointment

29. Mr. Idris’s Application for Employment Form (the 1982 Application Form) with a résumé attached (hereinafter referred to as the “1982 résumé”), dated July 26, 1982, was received at WIPO on July 27, 1982, according to a note marked on it by the former Director General of WIPO.

29.1. Mr. Idris confirmed that he personally signed the 1982 Application for Employment Form, on July 26, 1982.

30. The 1982 Application Form shows the date of birth of Mr. Idris as “26/8/45”.

31. The 1982 résumé, in plain paper, attached to the Application Form, provides more detailed information on Experience, Special assignments, Memberships and Publications. Although it also contains some personal data, the 1982 résumé does not contain any information on Mr. Idris’ birth date.

32. Mr. Idris was formally listed among candidates for Vacancy Announcement (VA) No. 538, published on May 28, 1982, with August 28, 1982, as the closing date, concerning the post of Legal Officer, Developing Countries Section, Industrial Property Division, at level P.3, which was eventually attributed to another candidate.

32.1. A summary table prepared for this competition shows that Mr. Idris’s birth date was recorded as 26/8/1945. No CV linked to this VA could be found in the relevant files; however, on the basis of the submission date indicated therein, it appears that the 1982 Application Form mentioned in paragraph 29 above must have been used for this VA.

33. An internal memorandum submitted on September 8, 1982, by the then Deputy Director General responsible for Development Cooperation, suggested the direct recruitment of Mr. Idris. The former Director General wrote on that memorandum, on September 24, 1982. “Direct recruitment for two years at P3.”

34. An internal note by the former Director of Administration to the former Director General, dated September 24, 1982, conveys the belief of the Deputy Director General responsible for Development Cooperation that Mr. Idris should be appointed at P4 level, considering his position as Second Secretary in the Mission of Sudan.

35. Mr. Idris’s candidature was eventually included in the competition for Vacancy Announcement (VA) No. 549, published on August 17, 1982, for the post of Program Officer/Senior Program Officer, grade P3/P4, with November 17, 1982, as the closing date for the submission of candidatures.
35.1. It was customary at that time to have competitions for posts with linked grades. While the post was intended to be at the higher of the two grades, the appointee would first serve at the lower grade for an initial period of at least one year, and then be promoted to the higher grade if his/her performance was considered satisfactory.

35.2. It is not known how the initial decision to offer Mr. Idris a direct recruitment at P3 level was transformed into his participation in the above mentioned competition.

35.2.1. During the interview, Mr. Idris stated that he had initially been offered a P3 post, which he had refused. He had then been approached again by WIPO regarding the P4 competition (it was actually the P3/P4 competition mentioned in paragraph 35 above).

35.3. One of the required qualifications contained in this vacancy announcement was: “Considerable experience in the functions of an industrial property system, or similar experience, including several years at the international level”.

36. An undated memorandum submitted by Mr. Idris, indicates that he had applied for VA No. 549 on September 22, 1982. The Investigator could not obtain a copy of the September 22, 1982 submission by Mr. Idris.

37. A handwritten reference (549/7?) contained in the “registered” box of Mr. Idris’s 1982 Application Form, implies that it was also used for VA No. 549.

38. The Report of the Appointment Board designated to review candidatures for competition No.549, dated November 24, 1982, indicated that two candidates were short-listed, including Mr. Idris, and a third one was mentioned. Finally the Board recommended to the former Director General the appointment of Mr. Idris, although the other short-listed candidate was considered as having “more experience”.

39. The Report also mentioned the three above candidates as being all 37 years of age, implying that the candidature of Mr. Idris was considered for this position on grounds that he was born in 1945, as indicated in his 1982 Application Form, i.e. nine years older than if born in 1954.

40. Ultimately Mr. Idris was appointed for two years as Senior Program Officer, Development Cooperation Division, Grade P4, Step 1, with December 30, 1982 as effective date of appointment and January 3, 1983, as the date of taking up duties. His letter of appointment is dated December 10, 1982, and he signed it on that same day.

40.1. His letter of appointment contains, inter alia, the following: “You are requested to acquaint yourself with the Staff Regulations and Rules of WIPO, a copy of which is enclosed…….”

40.2. His signature is preceded by the following text: “I have acquainted myself with the Staff Regulations and Rules of WIPO and hereby accept the terms of this appointment as set forth above”.

12
41. On October 1, 1985, Mr. Idris was appointed Director, Development Cooperation and External Relations Bureau for Arab Countries, grade D1. In accordance with relevant provisions contained in WIPO Staff Regulations, his nomination was submitted to the advice of the Coordination Committee. Accordingly, a short CV of Mr. Idris, which did not include any information about his birth date, was contained in document WO/CC/XIX/3, paragraph 6.

42. A CV of Mr. Idris was attached to a letter dated January 31, 1990, sent by the Permanent Representative of Sudan to the UN in New York, to the then UN Secretary General, Mr. Perez de Cuellar, presenting Mr. Idris’s candidature for one of the seats allocated to African States in the International Law Commission (ILC). This CV did not contain information on the date of birth of Mr. Idris, or on the dates relating to obtaining diplomas.

43. A letter dated February 9, 1994, signed by the Ambassador, Permanent Representative of the Republic of Sudan to the UN, Geneva, sent to WIPO in support of the candidature of Mr. Idris to the position of Deputy Director General, stated that “Mr. Idris was born in 1945 in Sudan”.

43.1. During the interview, Mr. Idris indicated that, as customary, in view of his candidacy to this position, a file with his biographical profile had been prepared by WIPO and sent to the Sudanese mission. Accordingly, the reference to 1945 as his birth date in the letter was due to the fact that the information sent to the mission by WIPO was based on the wrong date registered in WIPO files. He suggested that the letter from the Sudanese Ambassador had actually been drafted at WIPO, probably by the then Legal Counsel, since he was responsible for preparing the documentation submitted to the Coordination Committee, adding that even today, CVs for this purpose are reviewed by the Legal Counsel and the Director General.

43.2. The Investigator did not find any evidence of the transmittal by WIPO of such a file with Mr. Idris’ biographical profile to the Sudanese Mission.

43.3. The Legal Counsel in place in 1994, indicated that he did not recall having ever drafted or reviewed a note or letter to be presented to WIPO by Missions, stating that in the framework of his duties he contributed to the drafting and presentation of documents for Coordination Committee meetings, which some time could contain, as attachments, relevant correspondence received from Member State representatives.

43.4. The Head of the Personnel Division in place in 1994 indicated that it was not customary for HR services to prepare biographical profiles of WIPO staff for use by Missions, or any other entity outside WIPO, for presenting candidates, and did not recall having received from WIPO colleagues any request to prepare a biographical profile of Mr. Idris. He pointed out however that the former Legal Counsel or other WIPO staff could have drafted such a letter without informing him.

43.5. His successor in the position as Director of HR services also confirmed that to his knowledge there was no such practice of preparing bio data for WIPO staff
candidates to high level positions. He indicated however that the candidates themselves could take the initiative of preparing, or having prepared by their services, CVs that would be sent to, and used by, Missions or other entities outside WIPO.

44. On July 29, 1994 Mr. Idris was appointed Deputy Director General, grade DDG, effective August 1, 1994 (WO/CC/XXXII/5, paragraph 23).

45. A CV of Mr. Idris, for his candidacy to the post of Director General of WIPO, was submitted to Member States during the 37th session of the Coordination Committee (CC), held from March 18 to 19, 1997, along with the CVs of nine other candidates (Annex to document WO/CC/XXXVII/2), and the 21st session of the WIPO GA, held from September 22 to October 1, 1997 (Annex to document WO/GA/XXI/1). This CV did not contain any reference to his birth date.

45.1. The Legal Counsel in place in 1997 stated that he had noticed that the CV of Mr. Idris, to be included in the CC document prepared by him, did not contain an indication of his birth date, while the CV of all the other candidates did contain that information. He, however, did not raise any question, considering that it was for Member States to decide whether the information provided was sufficient to enable them to elect a new Director General.

45.2. Mr. Idris gave no explanations why his birth date had not been included in those CVs.

46. On September 22, 1997, Mr. Idris was appointed Director General of WIPO (WO/GA/XXI/13, paragraph 6) "for a fixed term, which shall be not less than six years" (WO/GA/XXI/13 paragraph 4).

46.1. His contract as Director General, dated October 2, 1997 was approved by the WIPO General Assembly on October 1, 1997, and indicated that his appointment would commence on December 1, 1997.

46.2. A letter dated October 31, 1997, addressed to Mr. Idris by the Chair of the WIPO General Assembly, Ms. Sheila Batchelor, informed him that the former Director General had expressed his desire to advance the date of his retirement by one month and that in the circumstances the commencement of Mr. Idris’s appointment as Director General should be November 1, 1997. She stated that her letter would be considered as modifying the clause concerning the term of Mr. Idris’s appointment included in the contract approved by the GA.

47. The short CV contained in the Annex to documents WO/CC/49/2 and A/38/2, presented to Member States in March and May 2003, respectively, for Mr. Idris’s re-election as Director General, did not contain any reference to his date of birth.

47.1. The Investigator notes that this short CV of Mr. Idris, attached to the December 4, 2003 letter of the Ambassador of Sudan to the Chair of the WIPO Coordination Committee (Annex to document WO/CC/49/2) proposing the candidature of Mr. Idris for a second mandate as Director General of WIPO, could well have been prepared at WIPO, since its font and format, different from the Ambassador’s letter, correspond to the ones used by WIPO, and is identical to the CV attached as Annex to document A/38/2, prepared by WIPO.
48. On May 27, 2003, Mr. Idris was re-appointed Director General for the period December 1, 2003, to November 30, 2009 (A/38/3, paragraph 13).

F.5. Education and Employment prior to 1982

49. The information concerning education and employment contained in the 1982 Application Form, is sometimes contradictory, and shows differences compared with the information contained in the 1982 résumé and other subsequent CVs.

50. A table highlighting these differences and showing the relevant age, depending on whether birth date was 1945 or 1954, is attached (Appendix).

50.1. Mr. Idris did not provide a clear explanation for those differences, suggesting that discrepancies may occur when CVs are prepared at different times.

50.2. As for the age, the information contained in his CVs shows that if born in 1945 Mr. Idris completed his studies and had his first employment at a quite late age, while if born in 1954, the age of study and early employment appears sometimes quite little.

F.5.1. Education

51. According to the 1982 résumé, Mr. Idris obtained a B.A. from the University of Cairo in 1976 and an L.L.B. from the University of Khartoum in 1977.

51.1. Mr. Idris explained that references to the University of Cairo in his CVs should be regarded as references to the Khartoum Branch of the University of Cairo, and not the University Headquarters located in Cairo, Egypt.

52. Copies of Mr. Idris's diploma of Bachelor of Laws from the University of Khartoum, dated May 1, 1977, and of a certificate from the Institute of Public Administration, Sudan, obtained on August 30, 1977, were provided to the investigator.

53. The 1982 Application Form indicates that Mr. Idris undertook studies at the University of Ohio, USA, from 1977 to 1978, and obtained a Master in International Law. Information provided by the University of Ohio confirms that Mr. Idris was awarded a Master of Arts degree from that University on June 10, 1978.

54. Furthermore, the information provided by the University of Ohio, indicates that Mr. Idris's birth date was recorded in their files as August 26, 1953.

54.1. The Investigator could not undertake a more in-depth analysis of the information provided by the University of Ohio, in order to clarify how this inconsistency occurred, since the University would not give access to student's files outside formal judicial proceedings, for confidentiality reasons.

54.2. Mr. Idris, during the interview, pointed out that this information was a clear indication of a plot aimed at discrediting him. He stated that such information
was misleading and discriminatory and that a clear sense of racism permeated from it.

54.3. The Investigator notes that a Student identification card and a driver’s license issued in Ohio in 1978 (see paragraphs 61.3 and 61.4 below) indicate 1954 as the year of birth of Mr. Idris.

55. Although none of the CVs of the Director General mention a date for obtaining his doctorate (PhD) from the Instituto de Estudios Internacionales, University of Geneva, the Investigator ascertained that Mr. Idris submitted his Thèse de doctorat: "Case study on the treaty establishing a preferential trade area for Eastern and Southern African states" in 1994.

F.5.2. Employment

56. The 1982 Application Form contains the following information: "N.B. From 1967–1970, assumed Part-time and Full-time posts at the national level". If born in 1954, Mr. Idris was aged 13 to 16 when he filled these posts.

56.1. Mr. Idris explained that these were temporary jobs that he assumed since his young age, in order to sustain his family and enable him to study.

57. Information on Mr. Idris’s employment record at the Ministry of Foreign Affairs of Sudan contained in the 1982 Application Form indicates that:

58. (a) from August 77 to August 78, he was Deputy Director, Legal Department; Ministry of Foreign Affairs, Khartoum;

(b) from March 78 to August 78, he was Assistant Director, Research Department, in the same Ministry;

(c). contemporaneously, from 1977 to 1978 he was studying at the University of Ohio, USA (See paragraph 53 above).

59. In the 1982 résumé these dates are, respectively: 1978, 1977 and 1978, with the addition of an employment, in 1977, as Assistant Director, Arab Department, in the same Ministry.

60. All the subsequent CVs do not indicate any date for the period of his studies at the University of Ohio, while the dates of his employment at the Ministry of Foreign Affairs were changed, so as to show January-June 1978 for his employment as Assistant Director, Research Department, and July-December 1978 as Deputy Director, Legal Department.

60.1. Mr. Idris clarified this point by saying that he was in Ohio as from 1977, where he studied at the Ohio University for about one year, between 1977 and 1978. At the same time he had some short assignments within small departments at the Ministry of Foreign Affairs of Sudan, in Khartoum.
F.6. Personal Identification Documents

61. The following personal identification documents have been provided to the investigator, by Mr. Idris, either in July or (the last two) in November 2006:

61.1. Diplomatic passport No. 00924, issued in Khartoum on December 23, 1992, by the Ministry of Foreign Affairs, containing the following indications:
- Address in Sudan: Ministry of Foreign Affairs
- Occupation: Director – UN Member Internal. Law Commission
- Date of Birth: 1954 (no indication of day or month)

61.2. Diplomatic passport No. 004783, issued in Khartoum on January 4, 1999, by the Ministry of Foreign Affairs:
- Address in Sudan: Ministry of External Relations
- Occupation: Director General
- Date of birth: 1954 (no indication of day or month)

61.3. International Student Identity Card No. C6 057616, issued in Athens, Ohio (USA) by the International Student Travel Confederation (ISTC), on February 16, 1978, indicating 8/26/54 as Mr. Idris’s birth date.

61.4. Ohio Driver License No. NJ916964, issued in Athens, Ohio (USA), on June 1, 1978, indicating 8/26/54 as Mr. Idris’s birth date.

61.5. International Driver License No. 943463, issued on June 2, 1978, at Falls Church, VA. (USA), with August 26, 1954 as Mr. Idris’s birth date.


61.7. Diplomatic passport No. 08898, issued on December 27, 1989 under the signature of the Minister of Foreign Affairs.

61.8. Diplomatic passport No. 03402, issued on October 21, 1981 under the signature of the Minister of Foreign Affairs.

62. In addition to the above, the investigator examined other identification documents contained in WIPO’s files and archives, namely:

62.1. Diplomatic passport No. 07331, issued in Khartoum on January 28, 2003, by the Ministry of Foreign Affairs, containing the following indications:
- Address in Sudan: Ministry of Foreign Affairs
- Occupation: Ambassador
- Date of Birth: 1954 (no mention of day or month)


63. The Investigator also found references to other passports, copies of which could not be obtained. These are:

63.1. Diplomatic passport No. 04145. Reference to this passport is contained in the first application form for the issuance of a UN LP, dated January 20, 1983, and
in the "Personnel Action Form"/Notification d'entrée en service", dated January 21, 1983. The latter indicates 26/8/1945 as Mr. Idris's birth date and contains a section called "documents checked" with the following annotation: "Diplomatic Passport No 04145, issued on December 21, 1982, by the Ministry of Foreign Affairs, Khartoum and valid until December 21, 1983." The Investigator was advised that verification of personal documents for new staff was very strict on those days, and that if the "Personnel Action Form" was validated with 1945 as his birth date, it meant that this passport should have indicated the same birth date.

63.2. Diplomatic passport No. 06105, valid until December 20, 1988. Reference to this passport is contained in a request for the issuance of a legitimation card form, dated November 30, 1987;

F.7. UN Laissez-Passer

64. UN LPs are issued under the authority of the Convention on the Privileges and Immunities of the United Nations (1946) and the Convention on the Privileges and Immunities of the Specialized Agencies (1947). They are recognized as official travel documents and are issued for use only in connection with official travel.

65. Application forms for UN LPs include information concerning passport numbers and date of issue, and include a box for the signature of applicants which contains the following text: "I certify that the above statements are true to the best of my knowledge".

66. Since joining WIPO, Mr. Idris has submitted and signed a number of applications for the issuance of UN LPs.

66.1. The first one, filled-in by Mr. Idris in his own handwriting and duly signed by him, was submitted on January 20, 1983, and it indicated 26.8.1945 as his birth date. This form also contained reference to Passport No. 04145, issued on December 21, 1982, (see paragraph 63.1 above). Following this request, UN LP No. SA 63852 was issued by UNOG.

66.2. Another form, signed by Mr. Idris on January 31, 2001, indicated August 26, 1945, as his birth date, and contained a reference to Passport No. 004783 as the relevant national passport. This passport contains "1954" as his birth date.

66.3. Similarly, the form signed by Mr. Idris on August 21, 2003, containing the date of August 26, 1945 as his birth date, has a reference to his Passport No. 07331, issued on January 28, 2003, which shows "1954" as the birth date. Surprisingly, Passport No. 07331 was also used as reference in the application form signed by Mr. Idris on March 27, 2006, submitted in order to obtain a new UN LP with the birth date changed to August 26, 1954.

67. According to the records of UNOG's LP service, 13 UN Laissez-Passer have been issued since 1992 in favor of Mr. Idris, 12 of which show August 26, 1945, as his birth date, while the last one, issued in March 2006, shows August 26, 1954, as indicated in the preceding paragraph.
68. Table I below, based on UNOG records, shows references to birth dates contained in the application forms signed by Mr. Idris since 1992 and the birth date contained in the passports used as identification reference in those forms:

<table>
<thead>
<tr>
<th>UN LP No</th>
<th>UN LP issue date</th>
<th>UN LP birth date</th>
<th>Passport No.</th>
<th>Birth date on Passport</th>
</tr>
</thead>
<tbody>
<tr>
<td>SA08653</td>
<td>Feb. 6, 2001</td>
<td>Aug. 26, 1945</td>
<td>004783</td>
<td>1954</td>
</tr>
<tr>
<td>SA07309</td>
<td>Nov. 19, 1997**</td>
<td>Aug. 26, 1945</td>
<td>00924</td>
<td>1954</td>
</tr>
<tr>
<td>SA03794</td>
<td>Sept. 6, 1994</td>
<td>Aug. 26, 1945</td>
<td>00924</td>
<td>1954</td>
</tr>
</tbody>
</table>

* Error, cancelled same day.
** Mistake in data identification, cancelled.

69. The members of personnel of the International Organizations based in Switzerland and of the Permanent Missions based in Geneva receive, via the Swiss Mission, a legitimation card of the Federal Department of Foreign Affairs (DFA). These persons do not receive a residence/working permit under Swiss ordinary law. A legitimation card entitles the holder to live in and to come to Switzerland (without visa).

70. Since the early 1990s, requests for the issuance or renewal of a legitimation card are sent by Personnel services to the Swiss Permanent Mission, using a specific request form that has to be signed by the concerned staff. When a new staff member joins an organization, the request form contains reference to passport details and it is sent to the Permanent Mission with a copy of the relevant passport.

71. Until the early 1990s, it was instead the responsibility of International Organizations to produce legitimation cards for their staff.

71.1. In this context, the legitimation cards were prepared by Personnel services of Organizations and then sent to the Swiss Mission along with a request form containing personal data of the concerned staff. The Mission validated the legitimation cards by putting its stamp on it, after verifying that personal data contained in the legitimation card corresponded to the data indicated in the form. Presentation of a passport was not required.
72. The Investigator reviewed a form called "Demande de carte de légitimation ou d'attestation", dated January 26, 1983, submitted by WIPO to the Swiss Mission with the legitimisation card of Mr. Idris. This form provided some information on Mr. Idris's biographical data, including his date of birth, indicated as "26.8.1945", but obviously did not contain any reference to passport details. This form also contained the details of the ensuing legitimisation card issued to Mr. Idris, showing the serial number (19394 D), the date of issue (January 26, 1983) and the date of expiry (December 31, 1984).

73. Another Demande de carte de légitimation, duly signed by Mr. Idris, was submitted on November 30, 1987, showing his birth date as August 26, 1945, and containing references to his diplomatic passport No. 06105, valid until December 20, 1988 (see paragraph 63.2 above).

74. The Investigator obtained a copy of a legitimisation card (No. 13595) issued when Mr. Idris was a member of the Permanent Mission of Sudan to the UN, prior to his employment with WIPO. This card, issued on December 10, 1981, indicates the birth date of Mr. Idris as "en 1934".

74.1. The Swiss authorities explain the difference in Mr. Idris's birth date contained in the legitimisation card issued as a diplomat of the Sudanese Mission (1954) and the one as a staff member of WIPO (August 26, 1945), by the different procedures in place at that time between legitimisation cards issued for members of Permanent Missions, against presentation of a valid passport, and staff of International Organizations, for which there was no obligation to present a copy of a passport (see paragraph 71.1 above).

74.2. In the case of Mr. Idris, it would appear that when the Permanent Mission received the legitimisation card prepared by WIPO, they checked, as customary, whether his personal data corresponded with the data contained in the accompanying form. However they did not check it against his prior legitimisation card, as member of the Sudanese mission, which was kept in a different folder.

74.3. As a consequence of this, all subsequent requests for the renewal or issuance of legitimisation cards for Mr. Idris, including those issued after the early 1990s, were checked only against information contained in previous legitimisation cards issued as a WIPO staff member. Thus, all the legitimisation cards issued by the Swiss mission since 1983 indicated August 26, 1945 as his birth date.

75. On March 30, 2006, HRMD sent to the Swiss Permanent Mission a list of requests for the issuance or modification of legitimisation cards which also contained a request to modify the birth date of Mr. Idris on his card, further to the ongoing process within WIPO to change Mr. Idris's birth date in all his records.

76. On April 4, 2006, the Swiss Mission sent a letter to the Deputy Director of WIPO's HRMD reminding that all the requests for the issuance of legitimisation cards for Mr. Idris they had received from WIPO, since January 1983, had indicated August 26, 1945 as his birth date. In its letter, the Mission expressed surprise that the copy of the passport attached to the request indicated 1954 as the date of his birth. It also noted that the passport had been issued in January 2003 and that the change of his legitimisation card was requested only three years later. Accordingly, the Mission requested WIPO to provide a birth certificate for Mr. Idris, duly translated and certified.
77. On April 10, the Deputy Director of HRMD sent a short reply to the Swiss Mission, attaching a birth certificate of Mr. Idris in English and Arabic, along with an official translation in French, provided by the Permanent Mission of the Republic of Sudan in Geneva.

77.1. This birth certificate indicated 26/08/1954 as Mr. Idris's birth date. It had been issued on May 4, 1998, by the: “Federal Ministry of Health, National Center for Health Formation.”

78. A Note Verbale, dated July 14, 2006, from the Permanent Mission of Switzerland to WIPO, concerning the issuance of a new legitimation card for Mr. Idris with 1954 as his birth date, states that the birth certificate mentioned above, after careful examination by Swiss authorities, appears to be false. Accordingly, the Swiss Mission requested the submission of a new birth certificate, to be issued by the competent authorities in Sudan, with the request that it be certified by the Swiss Embassy in Khartoum.

79. HRMD sent to the Swiss Mission, on September 4, 2006, a note transmitting an Official Extract from the General Birth Register, showing August 26, 1954 as the birth date of Mr. Idris. This birth certificate was issued on August 14, 2006 by the Ministry of Interior, Police Force Headquarters, Directorate of Civil Rolls (DCR), and certified by the Swiss Embassy in Khartoum.

79.1. The certification stamp by the Swiss Embassy in Khartoum contains a disclaimer which states that the official certification is limited to the signature and stamp appearing on the certificate, but does not constitute a certification of the validity of the certificate nor of the information contained therein.

F.9. Signatures

80. In addition to the various forms mentioned in preceding paragraphs, Mr. Idris filled-in and signed two other forms showing 26.8.1945 as his birth date:

80.1. The form for the Designation, Change or Revocation of Beneficiaries (containing twice his birth date), signed in the presence of a WIPO official on January 3, 1983.

80.2. The form for the Designation, Change or Revocation of Beneficiaries signed in the presence of a WIPO official on July 17, 1986.

81. Many other forms or documents signed by Mr. Idris, showing 1945 as his birth year, have also been reviewed by the Investigator:

81.1. Legitimation card No.19394 D, issued on January 26, 1983.
81.2. Legitimation card No.16770 C, issued on October 9, 1985.
81.4. A legitimation card request form dated December 2, 1997.
81.5. An undated legitimation card request form concerning one of his daughters, containing a reference to Legitimation Card No. 148868 B.
81.6. An undated Legitimation Card request form concerning two of his children, reference Legitimation Card No. 148868 B.
82. As indicated in paragraph 26.4 above. Mr. Idris stated during his interview that he signed all these documents, knowing that they indicated his wrong birth date, for consistency.

83. From the analysis of the available documentation, it appears that Mr. Idris has been using two different signatures: one which he used in his early years at WIPO, and the current one used since the early 90s.

83.1. Notwithstanding the above, it appears that until the change of his birth date was formally made, Mr. Idris has continued to use, including in recent times, the "old" signature when signing documents showing 1954 as his birth date, such as the Swiss driver licenses issued in 2002 and 2006 respectively.

83.2. During the interview, Mr. Idris confirmed that he currently uses two different signatures.

F.10. Registre Foncier

84. The Investigator noted that an abstract of the record of the Registre Foncier of the Canton of Geneva, concerning the official measuring of a property (Immeuble 25/2110) purchased by Mr. Idris in Genthod, was published on the web site of the Registre Foncier. This abstract indicates his birth date as 26.08.1945.

85. Records of this nature are registered by the Registre Foncier on the basis of official acts signed in front of a public notary who, in order to ascertain and ensure the identity of signatories, routinely requests the submission of a personal identification document, normally a passport or a legitimation card.

86. The Investigator contacted the Registre Foncier in order to obtain more information about this act; however confidentiality issues prevented it from providing the requested details directly to the Investigator.

87. Mr. Idris' year of birth was eventually changed from 26.08.1945 to 26.08.1954 in the records of the Registre Foncier, following a request dated September 28, 2006, as indicated in the Requisation pour le Registre Foncier dated October 2, 2006.

F.11. Visa requests

88. The Investigator examined a Note Verbale sent in September 1995 to the Visa Section, Embassy of the United States of America in Bern, concerning the request of an entry visa to the USA in favor of Mr. Idris.

88.1. A US Non-immigrant Visa Application form, duly signed by Mr. Idris, and showing 26.08.1945 as his birth date, was sent together with the Note Verbale, along with UN LP No. SA 03794.

89. The Investigator was provided with a copy of a letter sent on August 7, 2006, by the Consul General of the Embassy of United States of America in Bern, Switzerland, to the Chairperson of the IUJ, confirming that according to their records, previous visa applications of Mr. Idris "consistently report a birth date of 26 August 1945."
90. The Investigator also reviewed some other requests for visas submitted by Mr. Idris, using his UN LP, which all referred to 1945 as his birth date.

90.1. Entry forms filled-in before transiting through customs of various countries visited could not be obtained by the Investigator.

G. PERSONAL ADVANTAGES AND DISADVANTAGES

91. During interviews, the Investigator received comments that prima facie this change of birth date would provide Mr. Idris with a loss in pension entitlements, rather than benefits.

92. However, from a more detailed review of various scenario that Mr. Idris could follow either before or after the completion of his mandate as DG, evidence shows that there have been advantages in the past when using 1945 as his birth date, and that further advantages could be obtained in the future from the change of birth date from 1945 to 1954.


93. Table II below shows the correlation between Mr. Idris’s age and his career at WIPO, depending on the year of birth:

<table>
<thead>
<tr>
<th>Position</th>
<th>Date</th>
<th>Age if born in 1945</th>
<th>Age if born in 1954</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Program Officer - P4</td>
<td>1982</td>
<td>37</td>
<td>28</td>
</tr>
<tr>
<td>Director - D1</td>
<td>1985</td>
<td>40</td>
<td>31</td>
</tr>
<tr>
<td>Deputy Director General - DDG</td>
<td>1994</td>
<td>49</td>
<td>40</td>
</tr>
<tr>
<td>Director General - DG</td>
<td>1997</td>
<td>52</td>
<td>43</td>
</tr>
</tbody>
</table>

94. As indicated in paragraph 39 above, concerning Competition No. 549 for the Senior Program Officer (P3/P4 post) in 1982, both short-listed candidates and a third candidate mentioned in the report of the relevant Appointment Board were considered to be aged 37 years. Had Mr. Idris’s 1954 birth date been taken into account, he would have been nine years younger, i.e. 28 years old. As such he would not have fulfilled the general requirement of 10 years professional experience for a P4 post and, being considerably younger, would have appeared as having considerably less experience, particularly at the international level, than the other short listed candidate.
95. It could also be argued that the nomination of Mr. Idris to the post of Director (D1), submitted to the advice of the Coordination Committee at its nineteenth session, in 1983 (see paragraph 41), would possibly have been considered differently, had it been known that he was aged 31, instead of 40.

96. Similarly, had the letter from the Ambassador of Sudan, in February 1994 (see paragraph 43), indicated that Mr. Idris was born in 1954 instead of 1945, it could be argued that he might have been considered too young, at the age of 40, for the position of DDG.

G.2. Future potential advantages

97. In accordance with Staff Regulation 9.8(b), Mr. Idris should normally retire at the age of 60.

98. At the end of his second mandate, in November 2009, Mr. Idris will be aged 55, if 1954 is considered as his birth date.

99. According to an undated “Note concerning the correction of date of birth in the UNISPF file of Mr. Idris” provided to the Investigator by the Legal Counsel, the recent correction of the birth date would mean that, at the end of his mandate, in 2009, Mr. Idris would be entitled to an early retirement benefit, i.e. roughly 15% (13.7%, according to figures obtained by the Investigator) less than he would have received had he kept the birth date of 1945.

99.1. Moreover, the note says, should Mr. Idris retire at the end of 2006 with the birth date of 1945, he would be entitled to full payment of pension benefits with the possibility of the lump sum option. Conversely, on the basis of the birth date of 1954, he would only be entitled to a deferred retirement payable at the earliest in August 2009, without the possibility of opting for a lump sum.

99.2. The note of the Legal Counsel therefore concluded that the correction of Mr. Idris’s date of birth has lead to a loss of 15% to 30% of his pension benefits, depending on the date of his retirement.

100. However, this potential loss of pension benefits would only occur in the event that Mr. Idris would not continue his career, either at WIPO or elsewhere in the UN system.

101. It should be noted that for applying to certain positions in the UN system there is an age limit, normally 55 years of age.
102. Taking into account the information contained in the note by the WIPO Legal Counsel mentioned in paragraph 99 above, Table III below provides a summary of potential pension benefits, or losses, which Mr. Idris could incur, depending on: a) the year of birth; b) the date on which he will step down as Director General at WIPO; and c) the age of retirement.

<table>
<thead>
<tr>
<th>Year stepping down from the position of WIPO DG</th>
<th>Year of birth: 1954 Retirement situation and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>End 2006</td>
<td>Scenario I: Mr. Idris leaves WIPO and the UN system</td>
</tr>
<tr>
<td></td>
<td>52 years old</td>
</tr>
<tr>
<td></td>
<td>Deferred full UNSIPP retirement benefits following 24 years of service, payable when reaching the age of 60 OR deferred reduced (about 30%) UNSIPP early retirement benefits following nearly 24 years of service, payable as from when reaching the age of 55</td>
</tr>
<tr>
<td></td>
<td>Scenario II: Mr. Idris continues his career at WIPO</td>
</tr>
<tr>
<td></td>
<td>52 years old when stepping down from the post of DG</td>
</tr>
<tr>
<td></td>
<td>8 years further service at WIPO, until the age of 60</td>
</tr>
<tr>
<td></td>
<td>Full UNSIPP retirement benefits following 32 years of service</td>
</tr>
<tr>
<td></td>
<td>Scenario III: Mr. Idris leaves WIPO but continues his career in the UN system (i.e. contributing to the UNSIPP)</td>
</tr>
<tr>
<td></td>
<td>52 years old when stepping down from the post of DG at WIPO</td>
</tr>
<tr>
<td></td>
<td>8 years further service within the UN system until the age of 60</td>
</tr>
<tr>
<td></td>
<td>Full UNSIPP retirement benefits following 32 years of service</td>
</tr>
<tr>
<td></td>
<td>Scenario IV: Mr. Idris leaves WIPO</td>
</tr>
<tr>
<td></td>
<td>55 years old</td>
</tr>
<tr>
<td></td>
<td>Early retirement: reduced (13.7%) UNSIPP retirement benefits following nearly 27 years of services</td>
</tr>
<tr>
<td></td>
<td>Scenario V: Mr. Idris continues his career at WIPO</td>
</tr>
<tr>
<td></td>
<td>55 years old when stepping down from the post of DG</td>
</tr>
<tr>
<td></td>
<td>5 years further service at WIPO, until the age of 60</td>
</tr>
<tr>
<td></td>
<td>Full UNSIPP retirement benefits following 32 years of service</td>
</tr>
<tr>
<td></td>
<td>Scenario VI: Mr. Idris leaves WIPO but continues his career in the UN system (i.e. contributing to the UNSIPP)</td>
</tr>
<tr>
<td></td>
<td>55 years old when stepping down from the post of DG at WIPO</td>
</tr>
<tr>
<td></td>
<td>5 years further service within the UN system until the age of 60</td>
</tr>
<tr>
<td></td>
<td>Full UNSIPP retirement benefits following 32 years of service</td>
</tr>
<tr>
<td>End of 2009</td>
<td>Scenario I: Mr. Idris leaves WIPO</td>
</tr>
<tr>
<td></td>
<td>64 years old and retires</td>
</tr>
<tr>
<td></td>
<td>Full UNSIPP retirement benefits following nearly 27 years of service</td>
</tr>
</tbody>
</table>

103. Mr. Idris’s current position as Director General, and his previous position as Deputy Director General, are fixed-term positions that terminate when their mandate, approved by Member States, expires.

104. His letter of appointment as a Deputy Director General, dated July 29, 1984, states the following: "Your appointment will expire on July 31, 2000. If it is not renewed beyond this date or if, after extension beyond this date, it expires before your retirement age, you will revert to your permanent appointment at grade D."

25
105. The contracts between WIPO and Mr. Idris, established in October 1997, following Mr. Idris’s appointment as Director General, and in May 2003 following his appointment for a second mandate, do not contain any specific reference to this issue. It is however commonly understood within the UN system that “prior rights” prevail.

105.1. The contracts mentioned above contain the following text (paragraph 5):
”Except as varied herein, Dr. Idris shall have the rights which are provided for in the Staff Regulations and Staff Rules of the International Bureau of WIPO.”

106. Being the holder of a permanent appointment before his appointment as DDG and then DG, Mr. Idris could continue to serve as a WIPO staff at the level he had before his nomination to fixed-term positions, i.e. at the level of Director at grade D1.

106.1. On this point, during the interview Mr. Idris stated that he was against the inclusion of the clause mentioned in paragraph 104 above in his contract as DDG, and that he unwillingly accepted it when other colleagues in the same situation wanted it included.

106.2. He clearly indicated that it would be optically disagreeable and politically wrong for him to remain at WIPO as a Director, after his mandate as DG.

106.3. He also stated that in his opinion the moment he became Director General, his new employment conditions replaced his permanent appointment.

107. Judgment No. 2466 by the ILO Administrative Tribunal (Castelo vs. WIPO), concerning a former WIPO Deputy Director General, states the following (Consideration No. 3): “The fact that his appointment as Deputy Director General would not be renewed after November 2003 was known to the complainant as early as July of that year, as was the fact that, if he elected to stay with WIPO, he was entitled to a permanent appointment but in a different post and at grade D1”.

107.1. This decision implies that a staff who was not holding a permanent status before being appointed by Member States to a fixed-term mandate in the DDG category, would have been entitled to have the years of fixed-term service in that category taken into account in computing the years necessary to grant him a permanent status, and as such be entitled to remain as a staff member, at his previous grade, until reaching retirement age. By analogy, staff holding permanent status before being appointed by Member States to a fixed term mandate in the DG, DDG or ADG categories would also be entitled to remain as staff members.

108. With this in view, the potential loss of retirement benefits mentioned in Table III above, Scenario 1a and 1b, could be partially compensated by the payment of a termination indemnity, as explained below.

109. Staff members who receive a notice of cessation of service before their retirement age or before the achievement of their fixed-term mandate, are entitled to receive a termination indemnity, in accordance with WIPO Staff Regulation 9.6 (a), which states that “Staff members whose appointments are terminated, shall be paid an indemnity...”.
110. WIPO Staff Regulation 9.1(a)(1) stipulates the conditions for the termination of a staff of the Organization, as follows: "The Director General, giving his reasons therefor, may terminate the appointment of a staff member who holds a permanent appointment, if the exigencies of the service require abolition of the post or a reduction in staff, or if for reasons of health the staff member concerned is no longer able to perform his duties, or if his performance or conduct prove unsatisfactory."

111. Furthermore, WIPO Staff Regulation 9.1(a)(5) states the following: "On the advice of the Coordination Committee, the General Assembly may terminate the appointment of the Director General if for reasons of health he is no longer able to perform his duties, if his performance or conduct prove unsatisfactory, or for such other reason as may be specified in his letter of appointment."

112. However, Regulation 9.6 (a) (3) stipulates, inter alia, that "No indemnity shall be paid to: ... a staff member who is retired."

112.1. According to the above Regulation, if born in 1945, Mr. Idris would not be entitled to any termination indemnity, independently from the date of his leaving the Organization.

113. Conversely, if born in 1954, and considering the ILO Judgment mentioned in paragraph 106 above, it would appear that upon termination of his prior permanent appointment with WIPO, either at the end of his mandate as DG or before, Mr. Idris would be entitled to receive a termination indemnity which, in accordance with Regulations 9.6(a)(1), 9.6(a)(6) and 9.12 bis, would amount to up to 18 months salary at the corresponding level.

114. In this connection, the notice of cessation of service, which includes payment of termination entitlements at the end of his fixed-term mandate as DDG, offered in 2006 to a staff member who was the holder of a permanent contract before being appointed DDG, with the approval of Member States, can be considered as a precedent. It could be argued that this precedent at WIPO would further justify the payment of a termination indemnity to Mr. Idris, when he completes his fixed-term mandate as DG, at the end of 2009.

115. Concerning the definition of the "corresponding level", it is not clear whether in a case like this compensation should be calculated at the level of DG or D.1. Strict application of this Regulation would entail payment at level D.1, since that is the level corresponding to his previous permanent contract, while his employment as DDG and DG was, and is, not on a permanent basis, and the relevant period of service would be fully completed in 2009.

115.1. However, the case mentioned in paragraph 114 above, whereby termination payment was calculated at the DDG salary level, may entail Mr. Idris to also receive, at the end of his second mandate, a termination indemnity calculated on the basis of 18 months salary at DG level.
116. Table IV below provides a summary of termination entitlements payable to Mr. Idris, depending on: a) the year of birth; b) the date on which he will step down as Director General at WIPO; and c) the age of retirement.

<table>
<thead>
<tr>
<th>Year stepping down from the position of WIPO DG</th>
<th>Year of birth: 1945 Termination Entitlements</th>
<th>Year of birth: 1954 Termination Entitlements</th>
</tr>
</thead>
<tbody>
<tr>
<td>End 2006</td>
<td>• 61 years old and retires</td>
<td>Scenario Ia: Mr. Idris leaves WIPO and the UN system</td>
</tr>
<tr>
<td></td>
<td>• Termination Indemnity not payable (Regulation 9.6(a)(3))</td>
<td>• 52 years old</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Termination indemnity (up to 18 months salary)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Scenario Iib: Mr. Idris continues his career at WIPO</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 52 years old when stepping down from the post of DG</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 8 years further service at WIPO, until the age of 60</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Termination Indemnity not payable (Regulation 9.6(a)(3))</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Scenario IIia: Mr. Idris leaves WIPO but continues his career in the UN system (i.e. contributing to the UNSIPP)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 52 years old when stepping down from the post of DG at WIPO</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Termination indemnity (up to 18 months salary)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 8 years further service within the UN system until the age of 60</td>
</tr>
<tr>
<td>End of 2009</td>
<td>• 64 years old and retires</td>
<td>Scenario Iib: Mr. Idris leaves WIPO</td>
</tr>
<tr>
<td></td>
<td>• Termination Indemnity not payable (Regulation 9.6(a)(3))</td>
<td>• 55 years old</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Termination indemnity (up to 18 months salary)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Scenario Iida: Mr. Idris continues his career at WIPO</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 55 years old when stepping down from the post of DG</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 5 years further service at WIPO, until the age of 60</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Termination Indemnity not payable (Regulation 9.6(a)(3))</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Scenario IIib: Mr. Idris leaves WIPO but continues his career in the UN system (i.e. contributing to the UNSIPP)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 55 years old when stepping down from the post of DG at WIPO</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Termination indemnity (up to 18 months salary)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 5 years further service within the UN system until the age of 60</td>
</tr>
</tbody>
</table>

117. At the 54th session of the Coordination Committee, held on June 19 and 20, 2006, document WO/CC/54/2, concerning the appointment of DDGs and ADGs, was presented to the Committee.

117.1. This document contained a proposal (paragraph 18) to offer an Indemnity upon Separation from Service to staff members appointed to the above mentioned positions who, at the expiry of their appointment, would not have reached the age of retirement. The related decision paragraph in the document (paragraph 21) read as follows: "The Coordination Committee is invited to approve as described in paragraphs 17 and 18, above, that staff members who held permanent contracts with the Organization before their appointments..."
through the Coordination Committee and who will not have reached the age of retirement at the term of the said appointments, shall not remain in the service of the Organization and shall be entitled to an indemnity on the basis of the WIPO Staff Regulations and Staff Rules relating to termination indemnity applying mutatis mutandis; however, the amount of the indemnity shall not exceed the remuneration that would have been derived from the permanent contract up to the age of retirement.”.

117.2. This proposal implied an ad-hoc use of WIPO Staff Regulation 9.6 (a), mentioned in paragraph 109 above, so as to provide entitlement to an indemnity for separation from service, without the requirement of a formal notice of cessation of service.

117.3. Paragraphs 18 and 21 of document WO/CC/54/2 were eventually withdrawn by the Director General at the outset of the Coordination Committee meeting in June 2006.

117.4. According to indications received by the Investigator, the proposal and relevant decision contained in document WO/CC/54/2 were understood as being applicable, de facto, also to Mr. Idris, had they been approved by Member States.

118. The documents reviewed by the Investigator show that the wife and children of Mr. Idris have acquired the Swiss nationality, in February 2004¹. Were Mr. Idris also to seek to obtain the Swiss nationality, he needed to change his 1945 birth date in order to align all his personal identification documents, including the legitimation card and the UN Laissez-Passer, with the birth date indicated in his recent passports and in personal documents issued by Swiss entities (Drivers license), which already showed 1954 as his birth date.

H. CONCLUSIONS

H.1. Re: Allegation 11.1

119. Allegation 11.1 reads: “In 2006, Mr. Idris changed his birth date from 1945 to 1954, on grounds that a typographical error had been made, which needed correction”.

CONCLUSION I: The birth year of Mr. Idris was changed in 2006 from 1945 to 1954 in all WIPO files, as well as, at the request of WIPO’s HRMD, in the medical and accident insurance files, the UNJSPF, the UN LP and the Swiss legitimation card.

¹ The Investigator notes that the information concerning the change of nationality of the wife and children of Mr. Idris was not promptly communicated in writing to the WIPO Administration, as required by Regulation 4.11.1(a). It was only in June 2005 that WIPO was informed of these changes, by the Swiss Permanent Mission.
H.2. Re: Allegation 11.2 and Concern 12.1

120. Allegation 11.2 reads: "The error had only been discovered now, in spite of his personal signature in 12 previous Laissez-Passer verifying 1945 as his birth year."

121. Concern 12.1 reads: "How the alleged wrong birth date of 1945 could remain undetected during almost 24 years."

CONCLUSION II: Evidence from the documentation reviewed by the Investigator indicates that three different years have been officially recorded as Mr. Idris’ year of birth:

(a) August 26, 1954, as indicated in various personal identification documents submitted by Mr. Idris (birth certificates, national passports (see paragraph 122 below), driver licenses, etc.) issued prior or during his appointment as a WIPO staff member.

(b) August 26, 1945: as indicated in the 1982 Application Form and subsequent forms; as well as in the UN Laissez-Passer and Swiss legitimation cards issued from January 1983 to March 2006;

(c) August 26, 1953: as recorded by the Office of the Registrar, Graduation Department, Ohio University, USA;

122. All national passports reviewed by the Investigator indicate “1954” as the birth year of Mr. Idris, without any mention of day or month. It should be noted, however, that copies could not be obtained of some of the referred passports. Earlier passports presumably indicated the same birth year, in particular the one used as reference by the Swiss Mission to issue Mr. Idris’ legitimation card when he was a member of the Sudanese Mission. The birth date indicated in the passport presented to WIPO in January 1983 could not be ascertained, since the Investigator could not obtain a copy of that passport.

123. All the documents, issued either by WIPO, or by other entities before and/or after Mr. Idris joined WIPO, indicate August 26 as his month and day of birth, the year being 1954, 1945 or 1953.

124. The birth certificates issued in 2006 and 1998, by different Sudanese authorities, indicate August 26, 1954, as Mr. Idris’ birth date.

CONCLUSION III: Since 1983, Mr. Idris has been regularly using Swiss legitimation cards and UN LP documents showing August 26, 1945, as his birth date.

CONCLUSION IV: During the same period, Mr. Idris has also been using other official documents (Sudanese diplomatic passports, Swiss driver’s license) showing 1954 as his year of birth.
125. Further to WIPO Staff Regulation 4.11, Mr. Idris, when taking up his duties at WIPO, in January 1983, was under the responsibility to verify that his biographical data were correct, and should accordingly have requested, after supposedly informing the then Director General of the birth date error in his application form, that a correction be made.

126. The request for a new Swiss legitimation card from the Swiss Mission in 2006, attaching a passport showing 1954 as the birth year, was done only 3 years after that passport had been issued.

CONCLUSION V: When requesting and using identification documents showing 1945 as his year of birth, Mr. Idris had numerous opportunities to see the alleged error concerning his birth date, and request promptly, in writing, that it be corrected, in accordance with Rule 4.11.1(a)

CONCLUSION VI: The Investigator has found no evidence of any formal attempts, neither partial nor full, by either Mr. Idris or the Administration, to rectify the alleged error during the period from December 1982 to March 2006.

127. In this context, the Investigator draws the attention to ILOAT Judgment No. 459 (Zraikat vs. WHO). The extract of this judgment, rendered in 1981, contains the following: "Upon receiving an appointment a staff member is required to give the date of his birth. The date so recorded in the contract of appointment may affect his rights and obligations in a number of ways; certainly it settles the date on which he is due to retire."

128. The printed text in the 1982 Application Form preceding the signature by the applicant states the following: "I certify that my replies above are true, complete, and correct to the best of my knowledge and belief. I understand that any false statements or the withholding of any relevant information may provide grounds for the withdrawal of any offer of appointment or for its immediate cancellation if an appointment has been accepted."

129. The text immediately preceding the applicant’s signature in the application form for the USA visa reads as follows: "I certify that I have read and understood all the questions set forth in this application and the answers I have furnished on this form are true and correct to the best of my knowledge and belief. I understand that any false or misleading statement may result in the permanent refusal of a visa or denial of entry into the United States. ........."

CONCLUSION VII: Findings point to the conclusion that the change cannot be considered as a mere administrative act.

CONCLUSION VIII: Following CONCLUSION VI above, the non-submission of timely information about the required change of birth date appears to constitute a violation of Regulation 4.11 and Rule 4.11.1(a) of the WIPO Staff Regulations and Staff Rules, (see paragraphs 9.2 and 9.3 above)
CONCLUSION IX: Assuming that Mr. Idris' correct year of birth is 1954, and considering the contemporaneous use of official documents showing 1954 as his birth year, Mr. Idris made false statements when signing his 1982 Application Form and a number of other forms and applications for official documents submitted thereafter (UN LPs forms; *deman de carte de legitimition*; visa requests; WIPO Designation, Change or Revocation of Beneficiaries forms; etc.), which all indicated 1945 as his birth year.

130. As shown in Table I above, many forms submitted by WIPO's HRMD, either to the Swiss Mission or to the UN LP Office, have not been properly verified, allowing submission of birth date information that did not coincide with the birth dates indicated in the supporting documentation (passports).

131. Verification procedures at the UN LP Office in UNOG also failed to reveal the conflicting information.

CONCLUSION X: Some serious deficiencies exist, within WIPO's HRMD and the UN LP Office in UNOG, with regard to the verification and validation of personal identity information contained in the forms for the issuance or renewal of UN LPs.

H.3. Re: Concern 12.2

132. Concern 12.2 reads: "What advantages, if any, in the past and now, the change of birth date has brought and/or could bring to Mr. Idris".

133. The alleged correct birth year of 1954 would imply that Mr. Idris occupied part-time and full-time posts as the national level from 1967-1970 at an age of 13 to 16 years; or that he was Deputy Director in a Department of the Sudanese Foreign Ministry at the age of 23 (1977). Conversely, the 1945 birth year would imply that he completed his BA at the University of Cairo at the age of 30 or 31.

134. Several inconsistencies, including overlaps, can be observed in Mr. Idris' education and employment records prior to 1982, as reported in his various CV's (see the Appendix).

CONCLUSION XI: Some indications contained in the 1982 Application Form appear to have been included in order to fill time gaps, and justify a birth date of 1945.

CONCLUSION XII: Evidence points strongly towards the conclusion that the use of 1945 as his birth date has enabled Mr. Idris to follow a career path at WIPO, from 1983 to 2006, which most likely would not have been the same, had his birth date been recorded as "1954" in 1982, as shown in Table II.

135. The argument contained in one of the notes of the Legal Counsel that the correction of Mr. Idris' date of birth will lead to a loss of pension benefits does not encompass all the possible scenarios concerning future employment of Mr. Idris.
CONCLUSION XIII: Mr. Idris would be subject to the application of the reduction factor of UNSIPF retirement benefits for early retirement, if born in 1954, were he to retire at the age of 55 or earlier.

Conversely, he would considerably benefit, in the future, from the change of his birth date from 1945 to 1954, were he to:

- continue his career at WIPO after stepping down as Director General, whether in 2006 or 2009 (i.e. continue contributing to the UNSIPF) (Scenario Il a and Ilb in Table III);
- continue his career elsewhere in the UN system after stepping down as Director General, whether in 2006 or 2009 (i.e. continue contributing to the UNSIPF) (Scenario IIIa and IIIb in Table III).

CONCLUSION XIV: If born in 1945, Mr. Idris would have reached his retirement age in 2005. Accordingly, after 2005 he would not be entitled to receive any Termination Indemnity, in accordance with Regulation 9.6(a)(3).

Conversely, following the change of his birth date, Mr. Idris will be entitled to receive a Termination Indemnity, except if he continues his career at WIPO. This termination indemnity could substantially compensate the loss of pension benefits, were he to retire at the age of 55 or earlier.

H.4. Re: Concern 12.3

136. Concern 12.3 reads: "Whether the manner in which Mr. Idris handled his birth date since joining WIPO has been in conformity with the personal and professional integrity expected from an international civil servant".

CONCLUSION XV: Following Conclusions VI and VIII above, the fact that Mr. Idris knew since joining WIPO, in early 1983, that his birth date as recorded at WIPO was not correct, and nevertheless continued using the wrong date, could be seen as contravening, in addition to obligations contained in Regulation 4.11 and 4.11.1(a), the principles concerning "Conduct" contained in Regulation 1.5 of the WIPO Staff Regulations and Staff Rules (see paragraph 9.1).

I. OTHER ISSUES ARISING FROM THIS INVESTIGATION

137. One of HRMD’s SIGAGIP tables, namely the "Pensions Assurances – Fusion Word Fonctionnaires", does not reflect correctly the change of birth date, since it shows both 1945 and 1954 as Mr. Idris’s birth date.

138. While reviewing the documentation of this case, the Investigator noted that information contained in Annex V of document WO/CC/54/2, dated May 18, 2006, was erroneous. The last line of the first paragraph should have indicated: "...was promoted
to grade D-2 effective June 1, 2003"; while it read instead "...was promoted to grade D-2 effective March 19, 1999". This document was submitted to the WIPO Coordination Committee (CC) at its meeting of June 19-20, 2006.

138.1. A corrigendum (document WO/CC/54/2 Corr.) was issued with the date of July 24, 2006, containing a text replacing paragraph 5 of document WO/CC/54/2. It was sent to Member States in mid-August as an attachment to a Circular Note dated July 31, 2006 and mailed to Member States between August 18 and 22, 2006, transmitting also the report of the Coordination Committee meeting (WO/CC/54/3). The text of paragraph 5 contained in this Corrigendum is identical to the text contained in the original document dated May 18, 2006. The Corrigendum dated July 24, 2006 is not published on the WIPO web site.

138.2. A document bearing the same code as the one issued on July 24, 2006, i.e. WO/CC/54/2 Corr., but showing the date of May 18, 2006, was published on the WIPO web site between October 17 and 19, 2006. This document, which to date has not been transmitted to Member States, does not concern paragraph 5 only but actually reproduces the full text of document WO/CC/54/2, with the text in Annex V (see paragraph 138 above) duly corrected.

138.3. Document WO/CC/54/2 and its Annexes, which were used by Member States representatives as working documents during the Coordination Committee meeting held in June 2006, is not available any longer on the WIPO web site.

Marco Pautasso
Senior Internal Auditor and Acting Director
Internal Audit and Oversight Division (IAOD)

November 29, 2006

[Appendix follows]