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August 1, 2012

His Excellency Francis Gurry  
Director General  
World Intellectual Property Organization  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Dear Director General Gurry:

We are in receipt of your letter of July 23, 2012, responding to our initial inquiry regarding WIPO's transfers of U.S.-origin technology by your organization to North Korea and Iran. While you promise to fully cooperate with our Congressional investigation and offer to appear before the Committee, your refusal to authorize two of our chosen witnesses raises questions about this commitment. Though in your letter, you asserted that you would authorize Mr. Moncef Kateb, President of the WIPO Staff Association, to testify "without impediment" before the Committee, we note that we are also in receipt of the email sent last Monday by your Legal Counsel, Mr. Edward Kwakwa, to our Committee's Chief Investigative Counsel, Mr. Harold Rees, attaching e-mails in which you denied authorization for the appearance of the two other WIPO staff members whom our Committee invited to testify. (The identities of those two staff members, Mr. James Pooley and Dr. Miranda Brown, apparently were leaked to the media by an unnamed "WIPO official.")

On several occasions, you have publicly promised your full cooperation with our Congressional investigation and you reiterate this commitment in your letter to us, stressing "how seriously WIPO as an organization, and [you] personally as Director General, view this matter" and that "[your] sole focus in this case is to provide thorough and credible information to Member States." It is for this reason that we are extremely concerned by your refusal to allow these two witness to appear before the Committee. Moreover, Mr. Kateb has indicated through his attorney that the conditions you have imposed on his testimony make him unwilling to testify—especially by himself—due to fear of retaliation or other form of reprisal. As a result of your actions, we had no choice but to cancel a planned briefing on this matter, which was scheduled for July 24, 2012.

As you know, Mr. James Pooley, WIPO Deputy Director General, Innovation and Technology, is a widely-known and very well-respected lawyer and is the senior U.S.-national official at WIPO. We invited him to brief the Committee on the evidence that violations of UN sanctions may have been committed, his assessment of the role of WIPO in these transactions, and his recommendations for remedial measures to prevent recurrence. We are naturally interested why he and others among senior management may have been previously unaware of these transactions. Receiving his testimony is entirely reasonable. For similar reasons and for possible corroboration, we invited another senior level manager, Dr. Miranda Brown, your own Strategic Advisor, to testify.

According to your e-mails denying permission to Mr. Pooley and Dr. Brown, neither of these senior officials have the competence and knowledge to testify about the technology transfers at issue. We understand that there may be other WIPO personnel who have direct knowledge of this matter, and we take under advisement your offer to testify before our Committee and to make available other WIPO officials as well. However, our Committee will run its own investigation as it deems appropriate, and it is up to our Committee alone to determine the utility, competence, and knowledge of prospective witnesses, and to choose which witnesses to invite to testify.

Your denial of authorization for Mr. Pooley and Dr. Brown to testify, and the conditions you have imposed on the testimony of Mr. Kateb, is not the full cooperation that you promised or the full cooperation that we expect from you. Moreover, it is not the full cooperation that ought be expected for an investigation being conducted by the Congress of the United States, a Member State whose citizens provide significant funding for WIPO.

Accordingly, we urge that you reconsider your opposition and make available Messrs. Pooley and Kateb and Dr. Brown, as well as any other WIPO employee we subsequently may invite, to testify to the Committee at their earliest mutually agreeable time. We emphasize that all requested witnesses should be provided by WIPO unlimited and unqualified immunity and authorization to speak freely. Moreover, WIPO must give effective guarantees to requested witnesses that they will be protected against retaliation in any form for statements or actions taken in connection with the subject matter of the investigation. This protection should be afforded not only to Mr. Kateb, who first blew the whistle, but also to any other witness called to testify before Committee Members or speak to Committee investigators that may be asked to travel to Geneva to investigate the matter on behalf of the Committee

We also note that in WIPO's statement of July 19<sup>th</sup>, that the organization would be terminating the provision of information technology hardware to any of WIPO's technical assistance programs. Yet, in our initial letter to you, we made clear that we are generally supportive of WIPO's efforts to strengthen the capacity of member states to enforce international intellectual property protections. We are not opposed to these programs, or the provision of IT equipment per se, rather it is the transfer of that equipment to countries under U.S. and UN sanctions that has us deeply concerned.

His Excellency Francis Gurry

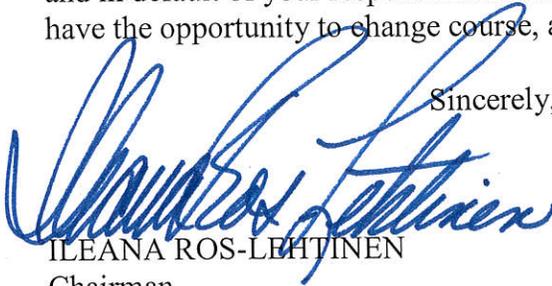
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Finally, we resubmit our request for unfettered access to documents for our investigation including any internal memoranda or other communications, including but not limited to those detailing the scope, history, and justification of WIPO's technology transfers to North Korea and Iran.

Director General Gurry, either one provides full cooperation or one does not. To this point, you have not provided full cooperation to our Committee, in default of your commitments and in default of your responsibilities as an official of an international organization. You still have the opportunity to change course, and we urge you to take it.

Sincerely,



ILEANA ROS-LEHTINEN  
Chairman



HOWARD L. BERMAN  
Ranking Member