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**Office of Internal Oversight Services
Internal Audit Division II**

Reference: AA – ICTR (004/04)

9 December 2004

TO: Mr. Adama Dieng, Registrar
International Criminal Tribunal for Rwanda (ICTR)

FROM: Egbert Kaltenbach, Director
Internal Audit Division II, Office of Internal Oversight Services (OIOS)

SUBJECT: **OIOS Audit of ICTR Court Management Section (AA2004/260/01)**

1. I am pleased to submit the final report on the audit of ICTR Court Management Section conducted in March and August 2004 in Arusha by Mona Romilly and Bharat B. Manocha. A draft of the report was shared with Chief, Court Management Section whose comments, which were received on 2 December 2004, have been reflected in the final report.

2. I am pleased to note that the most of the audit recommendations contained in this final report have been accepted and that ICTR has initiated their implementation. The table in paragraph 50 of the report identifies those recommendations that require further action to be closed. I wish to draw to your attention that OIOS considers recommendations 1, 2, 4 and 8 as being of critical importance.

3. I would appreciate it if you could provide an update on the status of implementation of the audit recommendations not later than 31 May 2005. This will facilitate the preparation of the twice-yearly report to the Secretary-General on the implementation of recommendations, required by General Assembly resolution 48/218B.

4. Please note that OIOS is assessing the overall quality of its audit process. I therefore kindly request that you consult with your managers who dealt directly with the auditors, complete the attached client satisfaction survey form and return it to me under confidential cover.

5. I would like to take this opportunity to thank you and your staff for the assistance and cooperation extended to the audit team.

Attachment: Client Satisfaction Survey Form

cc: Mr Lovemore Munlo, Deputy Registrar (by e-mail)
Mr. Jean-Pelé Fomété, Chief, Court Management Section (by e-mail)
Ms. Hazelien Featherstone, Executive Secretary, UN Board of Auditors
Ms. Michelle Lee, Chief, Division of Administrative Support Services (DASS) (by e-mail)
Mr. Mika Tapio, Programme Officer, OUSG, OIOS (by e-mail)
Mr. Christopher F Bagot, Chief, Nairobi Audit Section, OIOS (by e-mail)
Ms. Mona Romilly, Auditor-in-Charge (by e-mail)

United Nations
Office of Internal Oversight Services
Internal Audit Division II

AUDIT REPORT

OIOS Audit of ICTR Court Management Section (CMS)
(AA2004/260/01)

Report date: 9 December 2004

Auditors: Mona C. Romilly
Bharat B. Manocha

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**Office of Internal Oversight Services
Internal Audit Division II**

OIOS AUDIT OF ICTR COURT MANAGEMENT SECTION (CMS)

(AA 2004/260/01)

EXECUTIVE SUMMARY

OIOS conducted an audit of ICTR Court Management Section (CMS) between March and August 2004. CMS is part of the Judicial and Legal Services Division of the Registry and is divided into four operational units. CMS is responsible for providing administrative, judicial and logistic support to the proceedings of the three trial chambers in Arusha and the Appeals Chamber in The Hague.

The overall conclusion was that CMS provided effective support services to the Chambers, Office of the Prosecutor and the Parties. OIOS is pleased to note that CMS intends to take action on the recommendations discussed below.

OIOS identified potential efficiency savings in excess of US\$200,000 per biennium through reorganisation of the work of the Appeals Unit at The Hague and Arusha. It was also the opinion of OIOS that efficiency could be further enhanced through the development of performance indicators for operational units.

OIOS considered that there were adequate arrangements in place for handling CMS administrative and financial matters with the exception of records management. OIOS is of the opinion that current arrangements need to be strengthened to ensure that exhibits remain in the original state they were received by ICTR, and only authorised staff have access to confidential documentation.

OIOS also noted that ICTR is in difficulty achieving its stated mandate to make records available to the public. There is a backlog of records, which is estimated to cost approximately US\$1 million to clear and will require US\$700,000 annually to ensure public access to records. OIOS has recommended that ICTR undertake a campaign to ascertain whether there is public interest in access to the records, and whether anyone will donate money to ensure that the records are available.

December 2004

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I. INTRODUCTION

1. This report discusses the results of an OIOS audit of ICTR Court Management Section (CMS). The audit was carried out between March and August 2004 in accordance with the Standards for the Professional Practice of Internal Auditing, promulgated by the Institute of Internal Auditors and adopted by the Internal Audit Services of the United Nations Organizations.

2. CMS is part of the Judicial and Legal Services Division of the Registry and is divided into four operational units: the Judicial Proceedings Unit, Judicial Records and Archives Unit, Court Reporters Unit and the Appeals Unit in Arusha. The CMS Appeals Unit also has a sub-unit in The Hague. CMS serves the three Trial Chambers based in Arusha and the Appeals Chamber based in The Hague. CMS is responsible for providing administrative, judicial and logistic support to the proceedings of the three Chambers and the Appeals Chamber. This includes maintaining the judicial archives of the Tribunal, receiving documents filed in court, handling exhibits, preparing procedural minutes, distributing all case documents, maintaining the Tribunal's Record Book and recording and producing permanent transcript records of all judicial proceedings of the ICTR. CMS is also responsible for fixing the final scheduling of trials and other courtroom proceedings on behalf of the Registrar in consultation with the appropriate Judge or Chamber.

3. A staff member at the P-5 level heads CMS and is assisted by a P-4 Deputy Chief, a Legal Officer at the P-3 level and one field service Judicial Proceedings Assistant. The staffing of the four operational units based in Arusha is as follows:

- a) The Judicial Proceedings Unit is managed by a P-4, assisted by three P-3 Legal Officers/CMS Coordinators, three P-2 Associate Legal Officers/court room officers, nine General Service staff (GS) and three field service staff.
- b) The Appeals Unit is managed by a P-4 supported by a P-2 Associate Appeals Officer and two GS staff.
- c) The Judicial Records and Archives Unit is managed by a P-3 assisted by an Associate Records Officer at the P-2 level, six GS staff and two field service staff.
- d) The Court Reporters Unit is managed by two P-2s supported by 40 staff members at the field service level.

4. The operational sub-unit based in The Hague consists of one P-2 Associate Legal Officer and a General Service Documents Clerk.

5. CMS activities are mainly funded through the allocation to the Office of the Registrar. No separate budget is maintained and expenditure is only tracked as part of the Judicial and Legal Services Division of the Registry. In addition, CMS received approximately US\$8,000 under the Inter-Tribunal Cooperation Sub-project, one of four sub-projects provided through a grant agreement between ICTY and the European Union signed in June 2002. CMS also received approximately US\$234,000 from ICTR's Trust Fund for enhancing the archiving and record keeping system of ICTR.

6. The Board of Auditors, in its management letter dated 10 July 2003 recommended the appointment of editors to the teams of court reporters, a review of the number of court reporters and the acquisition of a reporting system to streamline the reporting process. A number of recommendations on the organization and office

procedures of CMS were also made in 2000 by a consultant hired by ICTR to examine and provide advice on ICTR's audiovisual collection. All of the above were considered when conducting this audit.

7. The findings and recommendations contained in this draft Audit Report were discussed with the officials responsible for the audited activities during a series of meetings held in September 2004.

II. AUDIT OBJECTIVES

8. The overall objective of the audit was to provide feedback to the Registrar on whether there were adequate mechanisms in place to conduct CMS work in an efficient, economic and effective manner. This involved assessing:

- a) the adequacy of planning and monitoring mechanisms in place to ensure optimum utilisation of courtrooms;
- b) the economy, efficiency and effectiveness of CMS work processes; and
- c) compliance with the ICTR Statute, Rules and Directives, and UN Regulations and Rules.

III. AUDIT SCOPE AND METHODOLOGY

9. OIOS reviewed the CMS activities during the biennium ending 31 December 2003. The audit included a review and assessment of internal control systems, interviews with staff, analysis of applicable data and a review of the available documents and other relevant records.

10. During the biennium, CMS underwent substantial structural, staffing and managerial changes in an effort to improve the quality and efficiency of the service provided by the Registry to the judicial process. The overall conclusion is that CMS is now providing more effective support services to their clients, which has impacted on the number of recommendations made.

IV. AUDIT FINDINGS AND RECOMMENDATIONS

A. Governance and Mandate

11. Current arrangements for Governance of CMS activities were found to be adequate and in accordance with ICTR Rules and Practices.

12. CMS had an approved Mandate and Mission and OIOS was satisfied that the proposed amendments to the Directive dealing with Rules and Practice between Chambers and Registry reflected current operating practices.

B. Organisational Structure and functions

(a) Appeals Unit based in Arusha

13. OIOS is of the opinion that there is scope to reduce the size of the Unit by one professional post, which would generate savings of approximately US\$120,000 per biennium:

- a) The duties of the Head of the Appeals Unit had recently been revised and involved fewer responsibilities than when the job was last classified in 1999.
- b) A review of the volume of work and the complexity of the responsibilities of the two full time professional staff members suggested to OIOS that the current shape and structure of the Unit required review.
- c) The Judicial Proceedings Unit performs similar work and a review of the work suggested scope for a possible merger of the two Units.

Recommendation:

To optimise resources and improve efficiency, the Registrar should consider the possibility of discontinuing at least one professional post with an estimated saving of approximately US\$120,000 per biennium through a review of the work of Appeals Unit in Arusha and the possibility of merging the Unit with the Judicial Proceedings Unit (Rec. 01).

14. *ICTR commented that this recommendation would be reviewed by the Registrar in the broader framework of the ongoing assessment of the systems pertaining to the provision of support services to the Chambers and the parties by the Court Management Section.* OIOS notes the response and will close the recommendation upon receipt and review of details of costs savings arising from a review of the merger of the Appeals Unit with the Judicial Proceedings Unit.

(b) Appeals Sub-Unit based in The Hague

15. The audit team noted that the Head of Unit was not providing legal and judicial supervision to the ICTR Appeals Chamber Support Unit in The Hague and was not providing substantive legal support such as drafting judgements, orders and decisions. Upon notification of this fact, ICTR took immediate action and the Deputy Registrar issued a reminder to the Head of Unit on his responsibilities and the Deputy Registrar, ICTY was requested to monitor his performance. The newly recruited Deputy Registrar, ICTY will be involved in the PAS of the Head of Unit and the level of involvement and the form of monitoring to be undertaken was under development at the time of the audit. OIOS is satisfied with actions undertaken and no recommendation is raised.

16. The number of appeals documents handled, approximately two pages per day, suggested that a dedicated P-2 staff was not warranted and the Registrar should consider abolishing this post and consider alternatives such

as delegating the work to one of the five professionals within the ICTR, Appeals Chamber Support Unit. This would allow savings of approximately US\$ 120,000 per biennium

Recommendation:

To improve utilisation of resources, the Registrar should review the continued need for the P-2 post in the Appeals Unit, in The Hague, and whether the work can be transferred to the Appeals Chamber Support Unit at an estimated saving of US\$120,000 per biennium (Rec. 02).

17. *ICTR commented that this recommendation would be reviewed by the Registrar in the broader framework of the ongoing assessment of the systems pertaining to the provision of support services to the Appeals Chamber by the Registry. OIOS notes the response and will close the recommendation upon receipt and review of details of costs savings arising from a review of the continued need for the P-2 post in the Appeals Unit, in The Hague, and whether the work can be transferred to the Appeals Chamber Support Unit.*

(c) Judicial Records and Archives Unit (JRAU)

18. JRAU has eight Document Assistants, four of whom have been assigned to other parts of CMS on a full time basis, at a time when sixty percent of their time should be spent on the preparation of documents for transfer to the archives at United Nations Headquarters (UNHQ). The assignments have also not been accompanied with any clear documentation on who is accountable for managing the staff.

Recommendation:

To ensure that the Judicial Records and Archives Unit has the staff it needs to perform the duties allocated to it, and to ensure that any staff assigned to different duties within CMS have a clear understanding of their reporting lines, roles and responsibilities, the Chief, CMS should review whether the current reassignment of staff is preventing the Unit from fulfilling its duties and if not whether the reassignment should be made permanent and reflected in the organigram or the managers to whom the staff have been temporarily assigned are made the first reporting officers for the PAS, to reflect that they have responsibility for over 50 percent of the staff members time (Rec. 03).

19. *ICTR takes note of the recommendation and indicates that the situation depicted simply reflects the challenge the management of the section is faced with, i.e. cope with increasingly high workload with an understaffed workforce. In order to operate in such a context, management of the section has been trying to be as creative and flexible as possible. Solutions envisaged so far command job enlargement and job enrichment for staff concerned. The ideal solution is the recruitment of additional staff members. Objectively, in a context of limited resources and increased demands, some operations have to be sacrificed from time to time. At this point in time, the ICTR's priority is to*

increase the number of active cases and to expedite the overall judicial process. Transfer of archives to the UNHQ is equally important and should have received more resources for its implementation. In terms of priority, one unfortunately has to choose. The reporting lines currently in place are adequate. However, the issue is being reviewed and any corrective action that needs to be taken in the future will be done. OIOS appreciates the additional clarification explaining the context in which staff utilization is occurring and would suggest that there is a need to rethink the structure and operation of JRAU. OIOS will close the recommendation upon receipt of the results of the review undertaken and notification that the PAS of affected staff members has been changed to reflect actual reporting lines and work carried out, or a more fundamental review of JRAU structure and operation is to be undertaken.

C. Planning

(a) Courtroom Utilisation

20. OIOS is of the opinion that there appeared to be adequate arrangements for courtroom utilisation. ICTR has three trial chambers each of which can accommodate, in a shift system, two trials per day. Courtroom utilisation was monitored against a judicial calendar and case minutes were produced reflecting the activities of each chamber indicating the commencement and closing times. At the end of each week workload statistics were produced showing the number of court sessions per case and per chamber. Court Room utilisation was on average five to six court sessions per day. In addition, a trial committee was set up in November 2003 with representatives from the three organs of ICTR to look at all cases pending before the Tribunal, to assist in the scheduling of cases and to develop long term plans. Plans up to the year 2005 have been developed to date.

(b) Work Plans

21. OIOS reviewed the work plans for the period 2003 – 2004 for the four operational units and noted no problems. Work plans were prepared in accordance with ST/AI/2002/3 (Performance Appraisal System) and were in agreement with job descriptions and CMS Mandate and Mission.

D. Internal and External Reporting

22. Chief, CMS submits an activity report to the Registrar through the Deputy Registrar at the end of each work plan cycle, which highlights the achievements and any areas of concern. In addition, as required by the Statute, details of CMS activities form part of the annual report to the General Assembly and Security Council. The reports for the biennium 2002-2003 were reviewed and found to be accurate, complete and prepared in a timely manner.

23. Workload indicators, which reflect the functions of the staff member, have been developed for the operational units. The workload statistics are updated each week but OIOS noted that with the exception of the Court

Reporters' Unit, the workload database was not used to develop performance indicators to enable an assessment of efficiency and effectiveness of work undertaken, which could then be linked to the PAS and assist in determining adequacy of resources.

Recommendation:

To assist in monitoring efficiency of operational units, Chief, CMS should ensure that the statistics provided by staff are monitored and verified by all supervisors and the statistics are used to develop performance indicators for each operational unit (Rec. 04).

24. *ICTR commented that it accepts the recommendation as it relates to further developing a relationship between workload indicators and performance indicators. It is worth noting, however, that, by its very nature, court reporting, like translation, easily allows the establishment of a relationship between workload statistics and quantified performance indicators. The collection of such data is not the prime function of anyone in CMS; it was developed as a response to our budgetary and resource requirements. The system was previously praised by external auditors. Adding extra tasks of verification of such a large amount of data could be counter productive. The system in place is a tried and tested one. The major improvement in this area is the further automation of the collection and compilation of the statistics. The data collected is accurate as far as any such data can be nevertheless, appropriate efforts will be undertaken, to determine the feasibility and utility of linking data collected to performance indicators for all operational units of the section with the assistance of OIOS. OIOS thanks ICTR for the clarification and fully appreciates the effort being made by CMS to collect performance statistics. OIOS thanks CMS for its recognition that the value of such data lies in how it is used to assist in improving efficiency and is willing to assist with the implementation of the recommendation that will be closed upon receipt and review of the system developed for monitoring and verification of performance statistics, which includes the development of performance indicators.*

E. Archiving

(a) Archiving

25. Each day, seven hours of video and audio recordings are produced in each court session. With between two and four court sessions currently running each day approximately 90 hours of video and audio are deposited in the archive each week. An action plan with an indication of timeframes has been developed by the Audio Visual Archivist for the improvement of the archival storage and preservation status of the audio-visual collection of ICTR. The action plan is based on guidance from the United Nations Archives and Records Management Section (UNARMS). Current arrangements are considered to be adequate and meeting the archiving needs of ICTR but should be reviewed in light of the planned increase in judicial proceedings.

(b) Redaction

26. ICTR's audiovisual material needs to be redacted before it can be transferred to any public archives. CMS have estimated that there is a backlog of approximately 32,000 hours of recording that needs to be redacted at a cost in excess of US\$1 million, and that an additional amount of approximately US\$700,000 per year is required to prevent the backlog from increasing and to undertake real-time redaction. OIOS reviewed and agreed with the assessment of ICTR and the need for this activity to be undertaken to fulfil its mandate of ensuring that the public have access to the tapes and transcripts of the Tribunal whilst at the same time ensuring the safety of the protected witnesses in accordance with Article 21 of its Statute.

Recommendation:

To fulfil ICTR's mandate to ensure that the public have access to the tapes and transcripts of the Tribunal and at the same time to ensure the safety of the protected witnesses in accordance with Article 21 of its Statute, the Registrar needs to prepare a paper outlining why redaction is needed and the cost involved, which should form the centre of a campaign strategy to seek public or private funds to clear the backlog of audio visual material to be redacted (Rec. 05).

27. *ICTR commented that it fully supports the recommendation that should be seen as a priority for the Tribunal. The UN ARMS commissioned Nizette audiovisual report had also made mention of this issue. A detailed report was submitted to the Registrar in December 2003. CMS is unable to move on this until resources are mobilized. This is an organization-wide issue and not purely CMS/JRAU. OIOS appreciates the response and will close the recommendation upon notification of the actions taken, with respect to redaction, to ensure that the public has access to the tapes and transcripts of the Tribunal and at the same time to ensure the safety of the protected witnesses in accordance with Article 21 of its Statute.*

(c) TRIM

28. CMS acquired and implemented an electronic recordkeeping database, TRIM which allows Tribunal staff to access judicial documents filed with the Registry and the general public to access unclassified documents. OIOS found adequate arrangements in place for data integrity.

(d) Backup of electronic data

29. As CMS does not have back-up facilities, EDP does daily and weekly backups of the server used by CMS and the back-up tapes are stored in an offsite location, which is outside of the building but within the compound. An extensive analysis was done for the selection of this location and several considerations were made such as the distance from building, security, connectivity, accessibility and safety. All plausible locations were considered and this option was found to be the most suitable given the environment. In the opinion of OIOS adequate analysis was done about situating of the storage facility.

(e) Storage of audiovisual records

30. The current capacity for storing audio-visual records is adequate. However, based on current usage, and the proposed expansion of court proceedings, the current storage is expected to run out in under two years.

Recommendation:

Chief, CMS should explore options for additional storage space for audiovisual materials to accommodate the growing collection (Rec. 06).

31. *ICTR commented that it accepts the recommendation. Storage space is an on-going issue that is routinely reviewed by us.* OIOS thanks ICTR for the positive response and will close the recommendation upon notification of the actions undertaken to address the need for additional storage space for audiovisual materials to accommodate the growing collection.

(f) Access to archives

32. No record is kept of individuals who have authorised access to archives and who actually accesses the archive. In the opinion of OIOS, the absence of such records provides insufficient protection for the documents, which could adversely impact the integrity of the judicial process as a result of delays in proceedings and exposure of protected witnesses. JRAU explained that their staff members know who the authorised users are and no one is allowed access unless a staff member is on duty.

Recommendation:

To enhance the monitoring measures in place for access to archives, Chief, CMS should install a closed circuit camera, and request Chief, Safety and Security Section (SSS) to generate from their database a quarterly list of authorized personnel having access to the archive, for review and confirmation by JRAU (Rec. 07).

33. *ICTR commented that it supports the recommendation as it relates to the installation of a close circuit camera. Feasibility of the recommendation will be reviewed in consultation with other relevant sections of the Tribunal, due consideration being given to the availability of funds. Existing arrangements will be updated and Security & Safety Section requested to generate an updated listing of authorized persons for confirmation.* OIOS appreciates the positive response and will close the recommendation notification that a close circuit camera has been installed and Chief, CMS is receiving regular information on personnel having access to the archive for review and confirmation.

(g) Record of exhibits

34. No record was kept of the exhibits taken from JRAU and no checks

were conducted on the return of exhibits from the courtroom to ensure that the material was intact.

Recommendation:

To safeguard the integrity of evidence filed with JRAU, Chief CMS should develop procedures to track all movement of exhibits in and out of JRAU and to record the state of exhibits when filed with JRAU and to carry out checks to ensure that exhibits returned to JRAU are in the same state as originally filed. All changes should be logged with an explanation of what happened, and a log of all changes should be provided to Chief, JRAU on a quarterly basis for review and determination of any additional action that might be required (Rec. 08).

35. *ICTR commented that consideration would be given to the feasibility and utility of the proposed mechanism. The movement of documents is formalized and it is felt that the insertion of another layer of control could be counter-productive in the context of increased workload. OIOS thanks ICTR - CMS for the additional information and for its willingness to consider the recommendation. OIOS is of the view that it is important for JRAU to look after exhibits placed in its care and to ensure their integrity. OIOS views this matter very seriously and will close the recommendation upon notification that adequate safeguards are in place to ensure the integrity of exhibits.*

(h) Declaration of Confidentiality

36. CMS staff, authorised to have access to confidential documents, are required to sign a declaration of confidentiality of information. A review of the fifteen staff members who have such access revealed that only three had signed the declaration.

Recommendation:

To ensure the confidentiality of information in the judicial documents, Chief, CMS should discuss and agree with Chief, Human Resources Planning Section arrangements to ensure that CMS staff members who require access to confidential information sign the declaration of confidentiality and a copy is placed on their personnel file (Rec.09).

37. *ICTR commented that consultations will be undertaken with the Office of the Registrar and the Human Resources and Planning Section to ensure that the requirements of Rule 32 (C) of the Rules are abided by, possibly as part of the Induction program prepared by Human Resources and Planning Section, newly recruited staff members should also sign be called to sign the appropriate forms. OIOS appreciates the response and agrees that the proposal may be a solution if it is mandatory for everyone who joins ICTR to sign the forms. OIOS will close the recommendation upon receipt and review of the procedures developed to ensure that that CMS staff members who require access to confidential information sign the declaration of confidentiality and a copy is placed on their personnel file.*

F. Human Resources Management

(a) Staffing Table

38. Adequate arrangements were in place for controlling the staffing table. Staff turnover in CMS was insignificant and with the reorganisation of CMS in 2000, job descriptions were reviewed to reflect current duties and have been submitted to the Human Resources Planning Section for re-classification.

(b) Recruitment

39. OIOS reviewed seven of the nineteen staff members recruited in 2002-2003 and no problems were noted.

(c) Consultants

40. OIOS confirmed that the five consultants recruited in 2002-2003 were recruited in accordance with ST/AI/1999/7 (Consultants and Individual Contractors).

(d) Overtime

41. Arrangements for overtime were found to be satisfactory and in accordance with Rule 103.12 of the United Nations Staff Rules and ST/AI/2000/3 (Overtime Compensations for staff members in the field service category at established missions). OIOS was especially pleased to note the use of a shift system for Court Reporters, Document Assistants, Legal Officers and Judicial Support staff and the advance planning of overtime linked to workload statistics.

(e) PAS

42. Arrangements for conducting PAS in accordance with ST/AI /2002/3, (Performance Appraisal System) were found to be adequate with the following exception. The second reporting officer of the two GS staff in the Appeals Unit in Arusha is junior to the first reporting officer. This arrangement is inappropriate as ST/AI/2002/3 (Performance Appraisal System) states that the second reporting officer shall be the supervisor of the first reporting officer.

Recommendation:

To comply with ST/AI/2002/3 (Performance Appraisal System), Chief CMS should ensure that the second reporting officer for the staff in the Appeals Unit in Arusha is the supervisor of the first reporting officer (Rec. 10).

43. *ICTR commented that it accepts the finding as it highlights the requirements set forth by ST/AI/2002/3. CMS-ICTR stresses the practical difficulty in adhering to the ST/AI taking into account the specificity of the prevailing situation. Advice from the Human Resource and Planning Section may assist in addressing the situation. OIOS notes the response and will*

close the recommendation upon notification that the second reporting officer for the staff in the Appeals Unit in Arusha is the supervisor of the first reporting officer, as required by ST/AI/2002/3 (Performance Appraisal System).

G. Projects

(a) European Union (EU) Grant

44. A grant agreement was signed by ICTY with the European Union to carry out a project entitled “Cooperation between the ICTY and the EU”. Part of the funds received were for the establishment of a framework for increased inter-tribunal cooperation. Activities under this sub-project included an allocation of approximately US\$8,000 to CMS to get acquainted with the court management systems in place at ICTY. This project was ongoing and key outputs at the time of the audit included sharing of archiving information, the exchange of forms and templates and the use of a video link to communicate with ICTY CMSS and the sub-unit in The Hague on a regular basis. The main expenditure was for travel in the development of judicial databases and in information exchange.

45. A narrative interim report is submitted to the donor, the European Union through ICTY in June each year in accordance with the terms of the Grant. OIOS reviewed and confirmed the accuracy and completeness of the report.

(b) ICTR Trust Fund

46. During the biennium 2002-2003, one project with an allocation of US\$234,000, for enhancing the archiving and record keeping systems of ICTR was funded in accordance with the terms and conditions of the ICTR Trust Fund. The Trust Fund consists of voluntary contributions from Member States and proposals for its utilisation must be approved by the Registrar. OIOS was satisfied that the Fund was established and administered in accordance with ST/SGB/188 (Establishment and Management of Trust Funds), ST/AI/284 (General Trust Funds) and ST/AI/286 (Programme Support Accounts) and ICTR’s Guidelines and Procedures for Acceptance and Utilisation of Voluntary Contributions.

H. Financial Management

(a) Regular Budget

47. The activities of CMS are funded through ICTR’s regular budget and are part of the allocation for the Office of the Registrar. Only expenditure of the Judicial Legal Services Division (JLSD) is separately identified and JLSD expended approximately US\$22 million in 2002-2003. The Finance Section provided CMS with a monthly allotment report for the JLSD expenditure. OIOS checked and confirmed the accuracy and completeness of reports.

(b) ICTR Trust Fund

48. CMS receives a monthly report on the project under the Trust Fund for verification and monitoring, showing details of allotments, expenditures, obligations and balances on all budget items. OIOS checked and confirmed the accuracy and completeness of reports.

(c) EU Project

49. CMS expended approximately US\$8,000 of ICTR's allocation for the Inter-tribunal Cooperation project under the grant from the European Union. Expenditures were recorded and monitored against the Miscellaneous Obligation Document (MOD) provided by ICTY. Arrangements were reviewed and no problems were noted.

V. FURTHER ACTIONS REQUIRED ON RECOMMENDATIONS

50. OIOS monitors the implementation of its audit recommendations for reporting to the Secretary-General and to the General Assembly. The responses received on the audit recommendations contained in the draft report have been recorded in our recommendations database. In order to record full implementation, the actions described in the following table are required:

Recommendation No.	Action Required
Rec. 1	Receipt and review of details of costs savings arising from a review of the merger of the Appeals Unit with the Judicial Proceedings Unit.
Rec. 2	Receipt and review of details of costs savings arising from a review of the continued need for the P-2 post in the Appeals Unit, in The Hague, and whether the work can be transferred to the Appeals Chamber Support Unit.
Rec. 3	Notification that the PAS of affected has been changed to reflect actual reporting lines and work carried out, or a more fundamental review of JRAU structure and operation is to be undertaken.
Rec. 4	Receipt and review of the system developed for monitoring and verification of performance statistics, which includes the development of performance indicators.
Rec. 5	Notification of the actions taken, with respect to redaction, to ensure that the public have access to the tapes and transcripts of the Tribunal and at the same time to ensure the safety of the protected witnesses in accordance with Article 21 of its Statute.
Rec. 6	Notification of the actions undertaken to address the need for additional storage space for audiovisual materials to accommodate the growing collection.
Rec. 7	Notification that a close circuit camera has been installed and Chief, CMS is receiving regular information on personnel having access to the archive for review and confirmation.
Rec. 8	Notification that adequate safeguards are in place to ensure the integrity of exhibits.
Rec. 9	Receipt and review of the procedures developed to ensure that that CMS staff members who require access to

	confidential information sign the declaration of confidentiality and a copy is placed on their personnel file.
Rec. 10	Notification that the second reporting officer for the staff in the Appeals Unit in Arusha is the supervisor of the first reporting officer, as required by ST/AI/2002/3 (Performance Appraisal System).

VI. ACKNOWLEDGEMENT

51. I wish to express my appreciation for the assistance and cooperation extended to the audit team by the staff and management of CMS.

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