



## **INTERNAL AUDIT DIVISION**

### **REPORT 2018/119**

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**Audit of the justice support  
programme in the United Nations  
Organization Stabilization Mission in  
the Democratic Republic of the Congo**

**The Mission needed to develop and monitor  
implementation of work plans of its justice  
support programme for effective programme  
delivery**

**4 December 2018  
Assignment No. AP2018/620/04**

# **Audit of the justice support programme in the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo**

## **EXECUTIVE SUMMARY**

The Office of Internal Oversight Services (OIOS) conducted an audit of the justice support programme in the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). The objective of the audit was to assess the effectiveness of the justice support programme in MONUSCO. The audit covered the period from 1 July 2016 to 30 April 2018 and included a review of strategic planning and performance monitoring, capacity building of the national judicial sector and gender mainstreaming.

MONUSCO established prosecution support cells in its field offices to assist the government in the fight against impunity and developed a plan to hand over its justice support activities to the United Nations Country Team. However, the Mission needed to assess the effectiveness of the justice support programme in achieving its objectives.

OIOS made three recommendations. To address issues identified in the audit, MONUSCO needed to:

- Develop an annual work plan for the mission-wide justice support programme and a subsidiary work plan for Kinshasa that outline relevant goals, activities and success criteria; and periodically monitor implementation of work plans to assess the effectiveness of programme delivery;
- Revise the reporting template to ensure that field justice support components analyze and report their accomplishments against targets; and
- In conjunction with its prosecution support cells' partners: (a) assess the capacity and training needs of the national judicial officers supported by the Mission; and (b) develop training curricula and materials to ensure consistency and effectiveness of capacity-building and training activities.

MONUSCO accepted the recommendations and has initiated action to implement them.

# CONTENTS

	<i>Page</i>
I. BACKGROUND	1
II. AUDIT OBJECTIVE, SCOPE AND METHODOLOGY	1
III. AUDIT RESULTS	2-6
A. Strategic planning and performance monitoring	2-4
B. Capacity building of the national judicial sector	4-5
C. Gender mainstreaming	5-6
IV. ACKNOWLEDGEMENT	6
ANNEX I      Status of audit recommendations	
APPENDIX I   Management response	

# **Audit of the justice support programme in the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo**

## **I. BACKGROUND**

1. The Office of Internal Oversight Services (OIOS) conducted an audit of the justice support programme in the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).
2. The Justice Support Section is responsible for implementing the justice support mandate of the Mission by: supporting national justice systems to be more effective in the fight against impunity; assisting national authorities to design and implement reforms to the justice sector; and building the capacity of the national military judiciary to investigate and prosecute cases involving international crimes through prosecution support cells (PSCs) established in various provinces.
3. The Justice Support Section was headed by a Director at the D-1 level who reported to the Deputy Special Representative of the Secretary-General, Rule of Law and Operations. The Director was assisted by 5 international staff and 16 national staff. The Section also had 20 government-provided personnel assigned to the PSCs. The approved staffing cost for justice support activities for fiscal years 2016/17 and 2017/18 were \$3.8 million and \$3.2 million respectively, and the approved operational budget for the same years were \$257,700 and \$208,590. In addition, the European Union provided \$1.7 million through the United Nations Development Programme (UNDP) to support operations of PSCs over a four-year period to 2018.
4. Comments provided by MONUSCO are incorporated in italics.

## **II. AUDIT OBJECTIVE, SCOPE AND METHODOLOGY**

5. The objective of the audit was to assess the effectiveness of the justice support programme in MONUSCO.
6. This audit was included in the 2018 risk-based work plan of OIOS due to operational risks related to management of the justice support programme in MONUSCO.
7. OIOS conducted this audit from April to July 2018. The audit covered the period from 1 July 2016 to 30 April 2018. Based on an activity-level risk assessment, the audit covered higher and medium risk areas in the justice support programme, which included strategic planning and performance monitoring, capacity building of the national judicial sector and gender mainstreaming.
8. The audit methodology included interviews of key personnel, reviews of relevant documentation, analytical reviews of data and visits to Goma and Kinshasa.
9. The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.

### III. AUDIT RESULTS

#### A. Strategic planning and performance monitoring

##### Need to develop and monitor implementation of annual work plans to assess programme effectiveness

10. The Secretary-General's bulletin on Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation (ST/SGB/2016/6) requires MONUSCO to identify key activities to be conducted and timeframes for completion of planned activities in the results-based budget framework. The Department of Peacekeeping Operations/ Department of Field Support Policy on Justice Support in United Nations Peace Operations requires MONUSCO to develop annual work plans that reflect the expected accomplishments of the justice support programme.

11. The results-based budgets for fiscal years 2016/17 and 2017/18 identified suitable key activities and indicators to implement the Mission's justice support mandate and assess the level of achievement of expected accomplishments. One of the key activities was to make progress towards combating impunity, with the corresponding indicator of achievement being an increase in the number of convictions of alleged perpetrators of grave human rights violations, war crimes and crimes against humanity. In fiscal year 2016/17, the target of increasing the number of convictions was achieved by the conviction of 409 persons accused of grave human rights violations, war crimes and crimes against humanity, compared to 320 in the previous year. Additionally, the targets for provision of advice and technical support to judicial authorities to investigate and prosecute war crimes were also achieved by organizing 14 joint investigation teams and 17 mobile courts compared to the targets of 10 and 5 respectively. In fiscal year 2017/18, 318 perpetrators of grave human rights violations, war crimes and crimes against humanity were convicted against the target of 340. The target was not attained due to acquittal of some suspects and the postponement of hearings due to the security situation in North Kivu. The targets for provision of advice and technical support to judicial authorities to investigate and prosecute war crimes was achieved by organizing 25 joint investigation teams and 28 mobile courts compared to the targets of 10 and 5 respectively. OIOS also noted that the Justice Support Section properly maintained portfolio of evidence to support the achievements reported in their results-based performance reports.

12. Additionally, the justice support components in field offices developed annual work plans covering their respective locations and to provide detailed guidance to their personnel. These work plans were aligned to, and adequately incorporated the justice support priorities that were outlined in the Mission's mandate and results-based budget. However, the Mission did not develop an overall mission-wide work plan for justice support activities, and a work plan for staff of the Justice Support Section based in Kinshasa. The Mission was also not monitoring the results achieved against the annual work plans of the justice support components in field offices. The Justice Support Section's interaction with field offices, while active, was mainly limited to preparing monthly activity reports to Mission leadership by gathering information submitted from the field offices.

13. The work plan for staff of the Justice Support Section based in Kinshasa had not been developed due to an oversight, and the Section commenced its preparation for 2018/19. Absence of the mission-wide consolidated work plan resulted because the Mission did not enforce the requirement for the Justice Support Section to prepare these annual work plans. In addition, insufficient monitoring of work plan achievements resulted as the reporting template developed by the Justice Support Section did not require justice support components in field offices to analyze and report their achievements against targets. As a result, justice support activities may not be cohesive, reducing the effectiveness of the programme. Also, the Mission did not have sufficient information to assess the effectiveness of its field-level justice support programme.

**(1) MONUSCO should: develop an annual work plan for the mission-wide justice support programme and a subsidiary work plan for Kinshasa that outline relevant goals, activities and success criteria; and periodically monitor implementation of the work plans to assess programme effectiveness.**

*MONUSCO accepted recommendation 1 and stated that it had drafted a work plan and was developing a system for quarterly progress assessments. Recommendation 1 remains open pending receipt of relevant annual work plans and evidence of periodic monitoring of their implementation.*

**(2) MONUSCO should revise the reporting template for justice support components in field offices for them to analyze and report on their achievements against targets established in respective annual work plans.**

*MONUSCO accepted recommendation 2 and stated that it had issued a revised reporting template to justice support components in field offices and implemented a system of regular follow-up. Recommendation 2 remains open pending receipt of evidence of effective implementation of revised reporting templates for the justice support programme including analysis of results achieved against targets.*

MONUSCO made good progress to plan for the transition of justice support activities to the United Nations Country Team

14. Relevant Security Council resolutions and policy directives require MONUSCO to coordinate efforts of the government, United Nations agencies and other external partners in strengthening the government's judicial capacity and undertaking transition planning with the United Nations Country Team (UNCT) well in advance of the Mission drawdown.

15. MONUSCO together with the UNCT assisted the government to develop a long-term national policy on justice reform, and MONUSCO chaired a working group to oversee implementation of the policy. The Justice Support Section staff in field offices participated in joint investigations and assessment missions with the government and UNCT members responsible for investigating human rights violations and other serious crimes. In addition, MONUSCO staff accompanied national judicial and prison authorities and UNDP on joint inspection visits to detention facilities and cells of the national police to address the irregular detention of persons. Between November 2017 and April 2018, MONUSCO participated in 444 such visits, and assisted the inspection teams to propose: the release of 366 persons who had been either illegally detained or convicted of minor offenses that could be served outside detention facilities; and the transfer of 556 cases to other appropriate courts including high courts, military tribunals and juvenile tribunals. Within the Mission, the Justice Support Section chaired a working group for the fight against impunity, whose membership included the police component and the Human Rights and Child Protection Sections. The working group regularly convened and coordinated the technical and logistical support the Mission provided to the government in the fight against impunity and agreed on how to allocate responsibilities to the various sections to avoid duplication of effort.

16. Further, the Mission, in consultation with the UNCT, prepared a transition plan for the transfer of justice support activities to UNCT. The plan was aligned to the Mission's objectives and mandated justice support tasks for the current and upcoming budget cycles. The plan included projections on what could be included in future mandates, commitments made by the government and donors, identification of the areas where the Mission's contributions would be essential during the transition period and resource requirements. In addition, the plan included a comparative advantage assessment that outlined the UNCT members who may be better placed than MONUSCO to provide the required support. For example, the

plan identified that UNDP, through its existing roster of experts and procurement procedures had a comparative advantage to hire short and medium-term expertise to provide training to PSCs.

17. OIOS concluded that MONUSCO actively coordinated efforts to support the national judicial sector together with various stakeholders, including the government and made meaningful progress in planning for the transition of its justice support activities to the UNCT.

## **B. Capacity building of the national judiciary sector**

The Mission started to systematically capture requests of the government for PSCs' support

18. Pursuant to relevant Security Council resolutions and United Nations Sustainable Development Goal 16 on Peace, Justice and Strong institutions, MONUSCO established PSCs in various provinces with the objective of building the capacity of the national military judiciary to investigate and prosecute cases involving international crimes. The achievements made by PSCs included the following:

- PSCs convened meetings under the consultative framework arrangement in their respective provinces to coordinate efforts of stakeholders in the judicial sector in providing support to the government to investigate and prosecute cases related to international crimes, and to hold mobile court sessions. Members of the consultative framework included the military justice authorities, the Justice Support, Human Rights and Child Protection Sections of MONUSCO, UNDP and non-governmental organizations;
- PSCs conducted investigations and prosecuted cases based on written requests received from the national military judicial authorities. All these requests related to cases where the perpetrators were from the national army, national police and armed groups;
- PSC personnel prepared investigation plans that identified locations to be visited to collect evidence and persons to be interviewed including suspects, victims and witnesses. PSC personnel also advised national military prosecutors on how to sustain cases and provided them with relevant local and international jurisprudence to strengthen their cases, including from the International Criminal Court and International Criminal Tribunals; and
- MONUSCO also provided logistical and technical support to the military judicial authorities to convene mobile courts. The mobile courts provided the local population access to the justice system, thereby increasing public confidence in the judiciary system. In 2017, PSCs supported 135 cases which resulted in the conviction of 185 of the 212 accused persons, comprising of 97 elements of the national security forces, 42 elements of armed groups and 46 civilians.

19. However, an accurate register of requests received from national military judicial authorities was not available, as the Mission had not regularly maintained one, including the nature and status of support provided. This resulted because MONUSCO had not established mechanisms to regularly monitor how timely and effectively it had responded to requests from the government. Subsequent to the audit, MONUSCO prepared a comprehensive listing of all requests that had been received from military judicial authorities and therefore OIOS did not make a recommendation on this issue.

### Need to conduct a capacity and training needs assessment of national judicial officers

20. As part of its mandate, MONUSCO is required to train, mentor and advise national judicial officers. MONUSCO personnel assigned to PSCs conducted training and capacity building activities to enhance the capacity of the national judiciary. For instance, MONUSCO trained national judicial police officers on the techniques of investigation of sexual and gender-based violence, as well as court clerks and registrars of the military tribunals on recordkeeping and management of items seized by prosecutors for use as evidence in cases. The Mission also trained military prosecutors on how to execute custodial sentences. The Mission provided advisory support to clerks of the military courts that focused on maintenance of regulatory registers at the court registry, and how to enhance the capacity of the military judicial system to ensure good administration of justice.

21. However, the Mission and its PSC partners did not conduct an assessment to determine the capacity and training needs of the national judicial officers it supported through PSCs. MONUSCO and its PSC partners also did not develop curricula and materials to be used during training and capacity building sessions to ensure that advice provided was consistent across all field offices. This was because, the Mission and its PSC partners had not prioritized assessing the training needs and developing curricula and materials for training. As a result, there was insufficient assurance that the Mission was utilizing its resources efficiently and effectively to support judicial officers of the government.

**(3) MONUSCO, in conjunction with its prosecution support cells' partners, should:**  
**(a) conduct a formal assessment to identify the capacity and training needs of the national judicial officers it supports; and (b) develop training curricula and materials to ensure consistency and effectiveness of capacity-building and training activities.**

*MONUSCO accepted recommendation 3 and stated that it was preparing a report of an assessment conducted and would take steps to ensure the consistency and effectiveness of training provided through the PSCs in the current budget cycle. Recommendation 3 remains open pending receipt of evidence of assessments of the capacity and training needs of the national judicial officers supported by PSCs, and training curricula and materials.*

## **C. Gender mainstreaming**

### The Mission made good progress to incorporate gender in the justice support programme

22. MONUSCO is required to ensure that its justice support programme is gender responsive and addresses the needs of vulnerable groups.

23. MONUSCO conducted a gender analysis of its justice support programme and the Justice Support Section started to include sex-disaggregated data in its periodic reports by disclosing the number of women and girls, where applicable, for each output achieved such as training participants and victims of grave human rights violations, war crimes and crimes against humanity. The Mission carried out many activities to respond to the needs of vulnerable groups. For instance, the Mission through PSCs advocated with military justice authorities to prioritize gender-based violence cases when organizing for mobile court sessions. As a result, 18 of the 38 priority cases selected by military justice authorities for support through PSCs in South Kivu were related to sexual violence. PSCs provided technical support in investigation and prosecution of these cases. The Justice Support Section in collaboration with the Human Rights Section of the Mission assisted victims of sexual violence to access justice through the mobile courts. In addition, in March and April 2018, the Mission trained 12 and 32 national judicial police officers in Bukavu and Goma respectively on the techniques for investigating crimes related to sexual- and gender-based violence.



24. OIOS concluded that the Mission had made progress in mainstreaming a gender perspective in its justice support programme activities. OIOS will be conducting a separate audit on gender mainstreaming to assess mission-wide implementation of gender-related guidance.

#### **IV. ACKNOWLEDGEMENT**

25. OIOS wishes to express its appreciation to the management and staff of MONUSCO for the assistance and cooperation extended to the auditors during this assignment.

*(Signed)* Eleanor T. Burns  
Director, Internal Audit Division  
Office of Internal Oversight Services

## STATUS OF AUDIT RECOMMENDATIONS

## Audit of the justice support programme in the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

Rec. no.	Recommendation	Critical <sup>1</sup> / Important <sup>2</sup>	C/ O <sup>3</sup>	Actions needed to close recommendation	Implementation date <sup>4</sup>
1	MONUSCO should: develop an annual work plan for the mission-wide justice support programme and a subsidiary annual work plan for Kinshasa that outline relevant goals, activities and success criteria; and periodically monitor implementation of work plans to assess programme effectiveness.	Important	O	Receipt of relevant annual work plans and evidence of periodic monitoring of their implementation.	30 September 2019
2	MONUSCO should revise the reporting template for justice support components in field offices for them to analyze and report on their achievements against targets established in respective annual work plans.	Important	O	Receipt of evidence of effective implementation of revised reporting templates for the justice support programme including analysis of results achieved against targets.	30 September 2019
3	MONUSCO, in conjunction with its prosecution support cells' partners, should: (a) conduct a formal assessment to identify the capacity and training needs of the national judicial officers it supports; and (b) develop training curricula and materials to ensure consistency and effectiveness of capacity-building and training activities.	Important	O	Receipt of evidence of assessments of the capacity and training needs of the national judicial officers supported by PSCs, and training curricula and materials.	30 September 2019

<sup>1</sup> Critical recommendations address critical and/or pervasive deficiencies in governance, risk management or control processes, such that reasonable assurance cannot be provided with regard to the achievement of control and/or business objectives under review.

<sup>2</sup> Important recommendations address important (but not critical or pervasive) deficiencies in governance, risk management or control processes, such that reasonable assurance may be at risk regarding the achievement of control and/or business objectives under review.

<sup>3</sup> C = closed, O = open

<sup>4</sup> Date provided by MONUSCO in response to recommendations.

# **APPENDIX I**

## **Management Response**



Mission de l'Organisation des Nations Unies pour la  
Stabilisation en République démocratique du Congo

United Nations Organization Stabilization Mission  
in the Democratic Republic of the Congo

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**INTEROFFICE MEMORANDUM**

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15 November 2018  
Ref.: SRSR/853/2018

To: Mr. Daeyoung Park, Chief  
Peacekeeping Audit Services  
Internal Audit Division, OIOS

From: Leila Zerrougui  
Special Representative of the Secretary-General

Subject: **Mission Response to Draft Report on an audit of justice support  
programme in MONUSCO (Assignment No. AP2018/620/04)**

1. Your interoffice memorandum reference OIOS-2018-19 dated 06 November 2018 refers.
2. Attached please find the Mission's response in respect of the recommendations in the Draft Report of the subject audit. Supporting documents will be provided to the Resident Audit Team only.

Kind regards.

cc: Mr. David Gressly, DSRSR, Rule of Law and Operations  
Ms. Nancee Oku Bright, Mission Chief of Staff  
Ms. Stephanie Mcphail, Director, Justice Support Section  
Mr. Paul Buades, Director of Mission Support  
Ms. Kerry Zillner, Audit Focal Point  
Mr. Daniel Maier, Officer-in-Charge, Strategic Planning Cell  
Mr. James Okwakol, Chief Resident Auditor  
Ms. Cynthia Avena-Castillo, Professional Practices Section, Internal Audit Division, OIOS

Attachment: Appendix I - Management Response

## Management Response

## Audit of the justice support programme in the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

Rec. no.	Recommendation	Critical <sup>1</sup> / Important <sup>2</sup>	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
1	MONUSCO should: develop an annual work plan for the mission-wide justice support programme and a subsidiary annual work plan for Kinshasa that outline relevant goals, activities and success criteria; and periodically monitor implementation of work plans to assess programme effectiveness.	Important	Yes	Chief, Justice Support Section (JSS)	30 September 2019	MONUSCO is taking action on the recommendation. A workplan has been drafted and a system is being developed for quarterly progress assessments.
2	MONUSCO should revise the reporting template for justice support components in field offices for them to analyze and report on their achievements against targets established in respective annual work plans.	Important	Yes	Chief, JSS	30 September 2019	MONUSCO is taking action on the recommendation. A revised reporting template was issued in August 2018 and a system of regular follow-up with JSS field components implemented. This will be continued and revised as needed.
3	MONUSCO, in conjunction with its prosecution support cells' partners, should: (a) conduct a formal assessment to identify the capacity and training needs of the national judicial officers it supports; and (b) develop training curricula and materials to ensure consistency and effectiveness of capacity-building and training activities.	Important	Yes	Chief, JSS	(a) 31 December 2018 (b) 30 September 2019	MONUSCO is taking action on the recommendation. (a) An assessment has been conducted and a report is in preparation. (b) MONUSCO will take steps to ensure the consistency and effectiveness of any training provided through the prosecution support cells in the current budget cycle.

<sup>1</sup> Critical recommendations address critical and/or pervasive deficiencies in governance, risk management or control processes, such that reasonable assurance cannot be provided with regard to the achievement of control and/or business objectives under review.

<sup>2</sup> Important recommendations address important (but not critical or pervasive) deficiencies in governance, risk management or control processes, such that reasonable assurance may be at risk regarding the achievement of control and/or business objectives under review.