



**Evaluation of the methods and work of the International
Residual Mechanism for Criminal Tribunals****Report of the Office of Internal Oversight Services***Summary*

The International Residual Mechanism for Criminal Tribunals was established by the Security Council in its resolution [1966 \(2010\)](#), to continue the jurisdiction, rights and obligations and carry out the essential functions of the International Criminal Tribunal for Rwanda (ICTR) and the International Tribunal for the Former Yugoslavia (ICTY).

In the present evaluation report, the Office of Internal Oversight Services (OIOS) assessed the relevance, efficiency and effectiveness of the methods and work of the Mechanism in implementing its mandate during the period 2016–2017, with a focus on its consolidation, coordination and organizational arrangements in becoming a self-standing institution across two branches. OIOS relied on a wide range of qualitative and quantitative sources to support its analysis.

In consolidating the residual functions of the two ad hoc Tribunals across two continents into a single institution by the end of 2017, the Mechanism achieved much of what the Security Council envisaged in resolution [1966 \(2010\)](#). It carried out judicial activities, including an unexpected retrial, and strengthened residual functions, albeit with some remaining gaps in the gender policy for witness protection and monitoring of the medical care of prisoners serving sentences. The Mechanism was mindful of the mandate to be temporary; nevertheless, some of its continuous functions are long-term in nature.

Overall, the Mechanism made progress towards realizing its mandate to be small and efficient through a gradual and multidimensional process, requiring both intra-office integration and inter-branch coordination. All organs drew on operational innovations to streamline workflows, increase cost-efficiency and establish operational responses to dynamic workloads. Mechanism offices also established formal policies and informal managerial practices to promote coherence across the branches. The three organs, despite differences in size, function and reliance on the ad hoc Tribunals, planned and managed these processes to varying degrees of success. Two large-scale institution-building projects, the completion of the Arusha facilities and the synthesis of the ICTR and ICTY judicial records into a single database, proved challenging and did not come to fruition as planned. In some offices, there also



remained incongruent work cultures between the branches. Overall, despite sustained demands for greater efficiency, Mechanism staff expressed high satisfaction with and dedication to their jobs.

OIOS makes six important recommendations to the Mechanism:

- (a) The Mechanism should develop scenario-based plans to enhance responsiveness to changing workloads;
- (b) The Office of the Prosecutor should strengthen staff morale to improve management of downsizing and upsizing;
- (c) The Registry should enhance efforts to harmonize and unify offices as one institution;
- (d) The Registry should support institution-building projects with leadership, engagement and third-party expertise;
- (e) The Mechanism should monitor gender balance and parity; the Witness Support and Protection Unit should incorporate gender sensitivity into its policy;
- (f) The Mechanism should strengthen its approach to the supervision and provision of medical care for prisoners serving sentences.

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I. Introduction

1. The Inspection and Evaluation Division of the Office of Internal Oversight Services (IED-OIOS) was mandated by the Security Council in resolution [2256 \(2015\)](#) to carry out an evaluation with respect to the methods and work of the International Residual Mechanism for Criminal Tribunals (“the Mechanism” or IRMCT). The General Assembly endorsed the request in its resolution [70/227](#).
2. OIOS evaluations are undertaken pursuant to Article 97 of the Charter of the United Nations and General Assembly resolutions [48/218 B](#), [54/244](#) and [59/272](#), as well as Secretary-General’s bulletin [ST/SGB/273](#), according to which OIOS is authorized to initiate, carry out and report on any action that it considers necessary to fulfil its responsibilities. Evaluation by OIOS is provided for in the 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](#), regulation 7.1).
3. The overall objective of the evaluation was to determine as systematically and objectively as possible the relevance, efficiency and effectiveness of the methods and work of the Mechanism in implementing its mandate pursuant to Security Council resolution [1966 \(2010\)](#), to enable Member States, the Security Council, the Secretariat and the Mechanism to engage in systematic reflection, with a view to increasing the effectiveness and impact of the Mechanism. The evaluation was conducted in conformity with the United Nations Evaluation Group norms and standards for evaluation.
4. The comments of the management of the Mechanism were sought on the draft report and were considered in the preparation of the final report. The formal response of the Mechanism is included in the annex.

II. Background

A. History and mandate

5. The Mechanism was established by Security Council resolution [1966 \(2010\)](#), with branches in Arusha and The Hague and with sub-offices in Kigali and Sarajevo. The Arusha branch commenced functioning on 1 July 2012 and The Hague branch on 1 July 2013. The Security Council envisioned the Mechanism as a small, temporary and efficient structure, whose functions and size will diminish over time, with a small number of staff commensurate with its reduced functions.¹
6. The Mechanism was established to continue the jurisdiction, rights and obligations, and carry out the essential functions of the International Criminal Tribunal for Rwanda (ICTR) and the International Tribunal for the Former Yugoslavia (ICTY).² The Statute of the Mechanism resembles that of ICTY and ICTR, with minor variations. Other than for contempt and false testimony, it cannot issue new indictments.³
7. The mandate of the Mechanism comprises both continuous and ad hoc functions. Continuous functions are discharged at all times, with some expected to continue well

¹ Security Council resolution [1966 \(2010\)](#), seventh preambular paragraph.

² *Ibid.*, para. 4.

³ *Ibid.*, annex I, art. 1 (4) (a) and (b), and art. 5.

into the future, including support for and protection of victims and witnesses; supervision and management of the enforcement of sentences, as well as decisions on pardon or commutation of sentences; fulfilling requests for assistance from national authorities and assistance to national jurisdictions, in accordance with article 28 (3) of its Statute; and the preservation and management of archives. Conversely, ad hoc functions occur from time to time and are expected to diminish over time. These include retrials, appeal cases, review proceedings, contempt prosecution and the tracking and prosecution of remaining fugitives. The Mechanism was mandated to operate for an initial period of four years, and for subsequent periods of two years subject to reviews of its progress, unless the Security Council decides otherwise.

B. Structure and governance

8. The President is the highest authority of the Mechanism, appointed by the Secretary-General, typically for a term of two years. He or she acts as the institutional head of the Mechanism and is responsible for the overall execution of its mandate, including the appointment of judges to cases. He or she presides over the Chambers and serves as a judge in and presides over the proceedings of the Appeals Chamber.

9. The Mechanism is comprised of three organs. Chambers comprises a trial chamber for each of its branches and one common Appeals Chamber. It is the judicial organ of the Mechanism, consisting of a roster of 24 independent judges, elected by the General Assembly, and a full-time President. The judges are remunerated only for the days on which they are called upon to exercise their functions. The Office of the Prosecutor is the second organ. It acts independently and does not receive instructions from the other organs of the Mechanism, Governments or international organizations. The Registry, the third organ, services the other two organs, providing administrative, legal, policy and diplomatic support services and comprising both substantive and administrative functions.

10. The Mechanism is a subsidiary organ of the Security Council, which is ultimately responsible for the activities and continued operations of the Mechanism, despite the latter's independence. The General Assembly, through the Fifth Committee, has budgetary control of the Mechanism.⁴ The Mechanism reports on its progress annually to the Security Council and the General Assembly, as well as semi-annually to the Security Council.

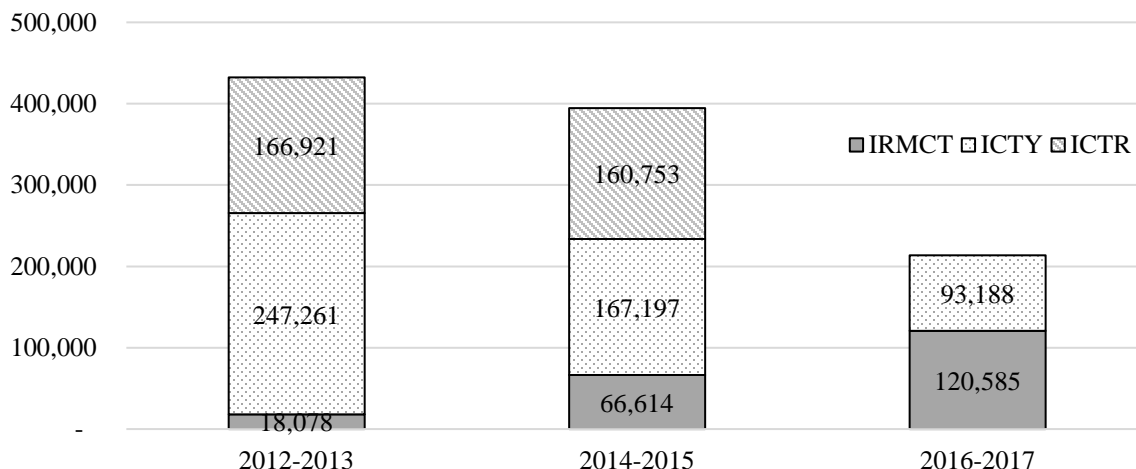
C. Resources

11. The Mechanism is financed from assessed contributions in accordance with a hybrid scale of assessments. Half of the budget of the Mechanism is financed according to the regular budget scale and the other half according to the peacekeeping scale. It reports directly to the General Assembly through the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee.

⁴ Ibid., annex I, art. 30, of the Statute of the International Residual Mechanism for Criminal Tribunals, which refers to Article 17 of the Charter of the United Nations.

Figure I
Financial resources of the International Residual Mechanism for Criminal Tribunals, the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, 2012 to 2017

(Thousands of United States dollars)



Source: Final appropriation, net of staff assessment. For the Mechanism, see [A/68/594](#), [A/70/558](#) and [A/72/604](#); for ICTY, see [A/68/582](#), [A/70/554](#) and [A/72/603](#); for ICTR [A/68/579](#) and [A/70/553](#).

12. The financial resources of the Mechanism have steadily increased over the past three bienniums, reflecting the gradual transfer of functions from ICTR and ICTY (see figure I). There were large discrepancies, of \$33.1 million, \$46.2 million and \$19.2 million, between the proposed budget⁵ and the final appropriation for the Mechanism over the 2012–2013, 2014–2015 and 2016–2017 bienniums, respectively, resulting from a lower-than-anticipated level of judicial activity pending the arrest of two remaining ICTR fugitives. The proposed resources of the Mechanism for the 2018–2019 biennium (the first in which the Mechanism will be a stand-alone institution), before recosting and after adjustment for other income, amounted to \$206.5 million net.⁶ In December 2017, the Fifth Committee approved funding commitments in an amount not to exceed \$79.9 million net for the maintenance of the Mechanism for the one-year period from 1 January to 31 December 2018, an effective reduction of 22.5 per cent as compared with the proposed budget for the period.⁷

III. Evaluation framework: scope, purpose and methodology

A. Scope and purpose

13. The evaluation focused on the consolidation, coordination and organizational arrangements of the Mechanism in becoming a self-standing institution across two branches, through an assessment of the relevance, efficiency and/or effectiveness of (a) its structure and design; (b) its policy and procedural coherence;⁸ (c) its

⁵ See [A/66/537](#), [A/68/491](#), [A/70/378](#).

⁶ See [A/72/396](#).

⁷ See [A/C.5/72/L.12](#).

⁸ The evaluation examined horizontal coherence, which denotes synergic and systematic support of common objectives reflected within policies and procedures and relationships across branches.

managerial practices; and (d) its ability to anticipate, plan for, monitor and respond flexibly to dynamic workloads. Pursuant to its mandate, the evaluation examines only the methods and work of the Mechanism, not substantive aspects of international criminal law, such as fairness, legal reasoning, jurisprudential regimes, decision-making and/or verdict outcomes. The evaluation covers the period from 1 January 2016 to 31 December 2017.

B. Methodology

14. The results are based on a triangulation of multiple data, collected through quantitative and qualitative methods:

(a) A total of 84 semi-structured interviews with Mechanism judges, staff and stakeholders;⁹

(b) Visits to The Hague and Arusha branches, the Kigali sub-office, the Detention Unit and the United Nations Detention Facility;

(c) A web-based total population staff survey;¹⁰

(d) Analysis of staff size, budgets and organizational structure;

(e) Analysis of average duration of onboarding by type of recruitment;

(f) Analysis of arrangements whereby the Mechanism is responsible for medical payments of prisoners;

(g) Comparative analysis of the rules of procedure and evidence of ICTY, ICTR and the Mechanism;

(h) Analysis of remote judging and the deliberative process;

(i) Analysis of the remuneration of remote judges;

(j) Structured content analysis of key reports and documentation, including the Mechanism strategic priorities; work plans, project documents, annual performance reports, progress reports; OIOS and Board of Auditors reports, Security Council verbatim records; and Mechanism policies, practices, meeting agendas, minutes and memorandums;

(k) External literature review of scholarly and policy articles on the Mechanism.¹¹

15. The key limitation was the absence of primary data to enable a robust costing of Mechanism functions and the comparison thereof with those of ICTY and ICTR.

16. OIOS consulted the Mechanism during the conduct of the evaluation and appreciates its cooperation and assistance. The response of the Mechanism to the report is contained in the annex.

⁹ A total of 172 individuals were interviewed.

¹⁰ The response rate was 40 per cent (N=173), excluding Security Officers at the local and Security Service levels. As at 29 August 2017, the Mechanism had a total of 429 staff (excluding the above security officers and encompassing continuous posts and general temporary assistance), according to the staff directory and staffing table.

¹¹ A total of 31 sources were systematically reviewed, of which 13 were included. OIOS engaged international criminal law experts to review and provide input for the evaluation.

IV. Evaluation results

A. **The Mechanism made considerable progress in response to the mandate to establish itself as a lean and efficient institution by harnessing strategic and operational innovations, but given the organs' varied size, obligations and support from ICTR and ICTY, they experienced varied rates of integration and cross-branch coordination**

The practices of double-hatting and multitasking helped optimize workflow and streamline organizational structures, while staff remained satisfied and dedicated despite related stressors

17. In responding to the mandate for a small, temporary and efficient structure with a small number of staff commensurate with its reduced functions, as stated in resolution 1966 (2010), the offices of the Mechanism maximized operational synergies to perform effectively while remaining small and efficient. The double-hatting arrangement, whereby principals, judges and staff from ICTY and ICTR supported the Mechanism without additional cost, maximized economies; helped preserve institutional knowledge; facilitated communication; and ensured the continued provision of services and a smooth transition of functions from the Tribunals.¹² The use of multitasking across all organs was also cost-effective, prioritizing the recruitment of staff who could perform across multiple disciplines.¹³ Staff spoke of being assigned to a variety of tasks in addition to their core responsibilities, although offices managed this differently (see paras. 19 and 23).¹⁴ Multitasking also generally allowed sufficient coverage for staff to take entitled leave, a particularly important benefit given the small size of many offices.

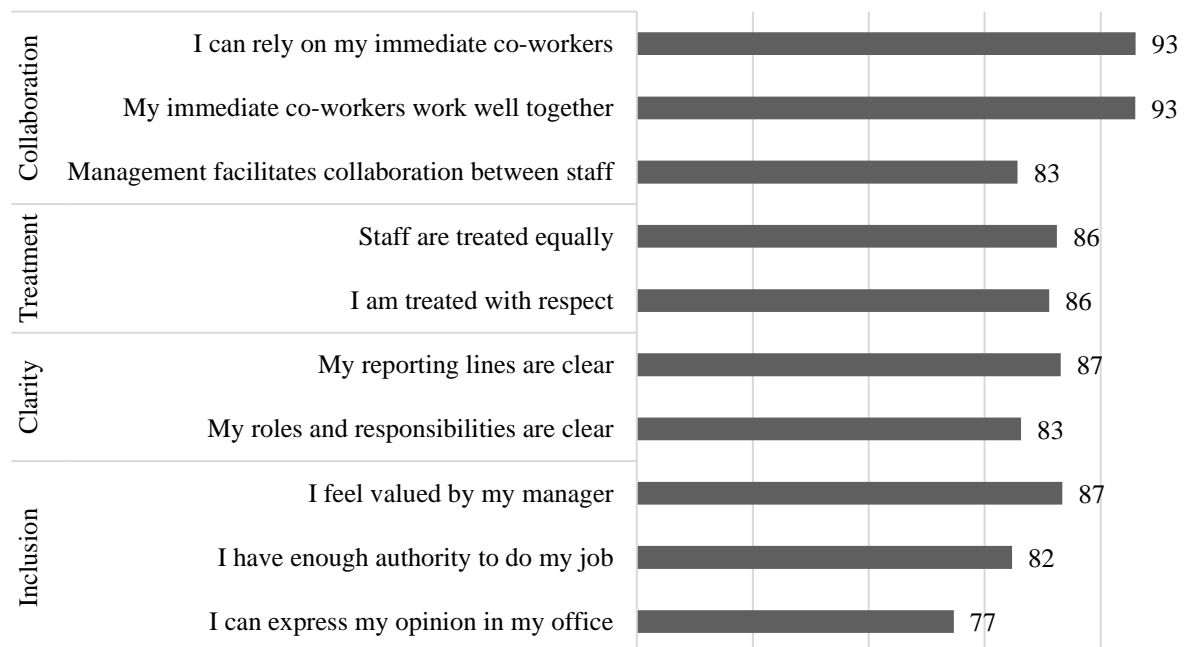
18. These arrangements levied some stress across offices. A third (35 per cent) of survey respondents did not feel a sense of job security (51 per cent did) and a quarter (25 per cent) disagreed that their workload was reasonable (71 per cent agreed). Staff were largely satisfied with their working conditions, however (75 per cent, on average, across all indicators of job satisfaction). While some Office of the Prosecutor and Arusha staff reported slightly worse conditions in some areas (see paras. 25, 28 and 30), all IRMCT staff expressed appreciation for and confidence in their immediate co-workers (with some exceptions related to cross-branch collaboration — see paras. 27 and 28); positive treatment; high levels of inclusion (with exceptions related to gender equity in some offices — see para. 36); and overall clarity in their roles, responsibilities, and reporting lines (see figure II). Furthermore, virtually all survey respondents (96 per cent) understood how their role contributed to the mission of the Mechanism. While this may be expected (84 per cent reported previous work in ICTY or ICTR), it is nonetheless noteworthy since the Mechanism is not simply a replica of the parent Tribunals.

¹² 2013 Utrecht retreat minutes, p. 2.

¹³ *Ibid.*, p. 3.

¹⁴ Most Mechanism staff underscored that they often had to carry out tasks outside their core functions.

Figure II
Working conditions with high job satisfaction (percentage responding “Agree”)



Source: OIOS staff survey.

Chambers systematically planned for and transformed its organizational structure and working methods to maximize the full capacity of a leaner staff size with financial prudence

19. From 2016 to 2017, the Chambers Legal Support Section operated as a self-standing, unified team supporting all judicial activities across both branches. Chambers management optimized workflow and hired individuals who fitted the work culture, establishing a seamless integration between Arusha and The Hague and enabling staff to support remote judges to their great satisfaction.¹⁵ This way of working, adapted from the ICTR appeals, interlocutory and review proceedings, allowed staff to gain exposure to various types of proceedings and enabled easy redeployment. Caseload distribution and reporting lines spanned both branches, with Arusha staff working on The Hague matters and vice versa. As most judicial work was conducted remotely, the location of staff assigned to a case was not critical. The Section held regular weekly meetings in The Hague, with a video link for Arusha staff and designated points of contact for urgent matters after work hours in each branch.¹⁶ All survey respondents and interviewees from Chambers indicated that they communicated and collaborated well, within and across branches, and reported high satisfaction with working methods and conditions.

¹⁵ Of the judges interviewed, 75 per cent of noted their satisfaction (OIOS analysis of judicial workload, 2016 to 2017).

¹⁶ Internal memorandum on duty arrangements for the Arusha branch: Chambers (28 November 2017). Supplementary information on internal memorandums can be provided by OIOS upon request.

20. Remote judging was efficient and innovative. Of the 244 publicly available decisions analysed in 2016 and 2017, the majority consisted of single-judge matters,¹⁷ and 40 per cent of all decisions were delivered by the President. The average turnaround time was under 29 days, with a third of the analysed publicly available decisions issued within 14 days, reflecting a notable level of efficiency. The only delays were attributed to distribution and processing errors in the case of four decisions. The largest variation in duration was found in access to materials and decisions relating to complex matters.¹⁸ Efficiency was enhanced by clear assignment deadlines and a reliance on written submissions.¹⁹ The model was cost-efficient, as remote judges were paid only for the days on which they exercised their functions and were not entitled to additional benefits above honorariums and travel to the seats of the Mechanism. Judges experienced some drawbacks, however, including absorbing the burden of administrative costs and technological challenges, limited in-person collegial interaction, challenges with diplomatic immunity²⁰ and potential risks to data security and confidential information related to remote work.

The Office of the Prosecutor operated with a lean staff and integrated working methods, but friction between management and staff and an unexpectedly high level of judicial activity amid organizational downsizing negatively impacted staff morale

21. In 2012, the Office of the Prosecutor began efforts to harmonize its policies, working instruments, workplans and budget submissions across branches to reinforce the notion of the Office as one organ. Across branches, information was shared through staff meetings, meetings of the Immediate Office of the Prosecutor and weekly meetings of senior staff. Despite the fact that annual joint branch meetings of senior Office of the Prosecutor staff ceased in 2016 owing to cost-cutting measures,²¹ survey responses indicated that staff found cross-branch coordination within the Office of the Prosecutor to be effective.²²

22. The Office of the Prosecutor was also effective in planning, restructuring and refining its operational methods to respond to the mandate for a lean and cost-effective organization. As a result, it operated with a small staff and tight resources. Building on double-hatting and multitasking arrangements, the Office instituted a “one office” policy in March 2016,²³ under which staff in The Hague were flexibly deployed across the Mechanism and ICTY during their coexistence. This measure eliminated time-consuming recruitment exercises, permitted the retention of specialized knowledge and allowed the Office to draw on available resources to manage its judicial workload while maintaining a small structure.²⁴ Following a 2017 review, furthermore, the Office abolished the previous Kigali-based fugitive tracking team structure and established a new Fugitives and Investigations Unit in Arusha that

¹⁷ Single-judge matters (70 per cent); Trial Chambers (16 per cent); and Appeals Chambers (14 per cent).

¹⁸ Access to materials varied from three days to six months. Complex matters took on average 55 days from receipt of a submission to issuance of a decision, compared with 24 days for non-complex matters. Judges felt that, when considered by three or more judges, complex matters took longer, owing to the volume and duration of e-mail correspondence.

¹⁹ As opposed to both oral and written submissions.

²⁰ Matters relating to the detention of Judge Akay.

²¹ Feedback from the Office of the Prosecutor on preliminary results.

²² Agreement was from 78 to 80 per cent across branches.

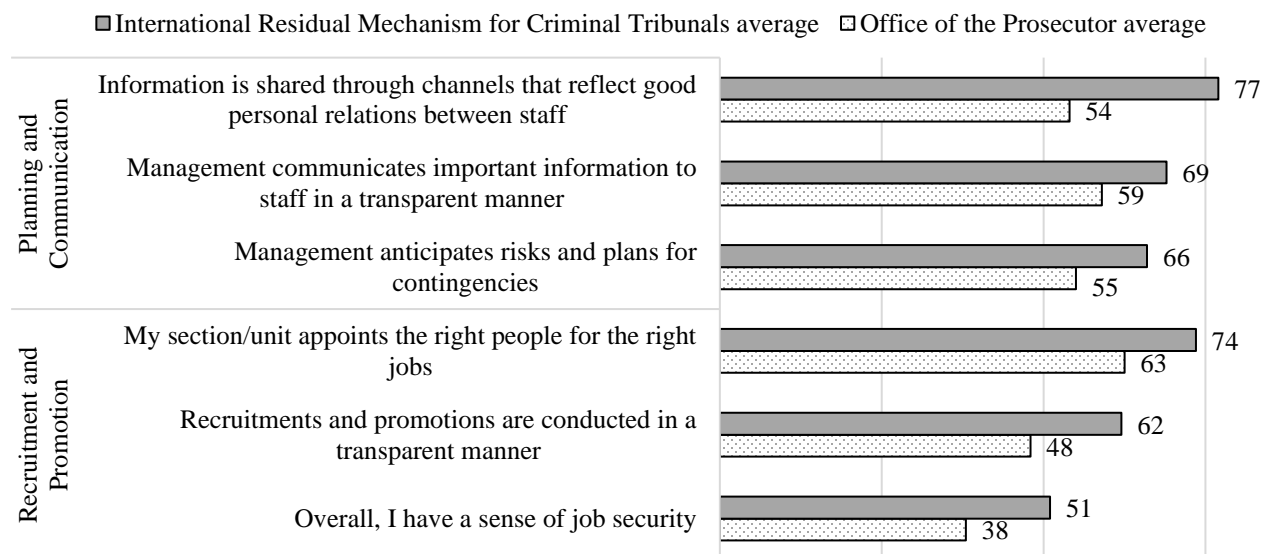
²³ S/2016/453, annex II, para. 3.

²⁴ S/2016/975, staff interviews.

integrated investigative and tracking functions.²⁵ The Office also reclassified fugitive tracking posts from continuous to ad hoc functions in the 2018–2019 budget, to emphasize that tracking activities should conclude if no progress were made in apprehending the remaining fugitives within the next few years.²⁶

23. Despite these innovations, the Office of the Prosecutor encountered difficulties related to recruitment, retention and job security, due in part to the temporary nature of judicial activities and the limited pool from which staff were recruited. The situation was further aggravated by prior downsizing and the likelihood of additional downsizing in 2018.²⁷ Job insecurity was also exacerbated by a lack of transparency around recruitment and promotions within the Office (see figure III).²⁸ Challenges were particularly evident in The Hague. Already-stretched Office teams had to work simultaneously on outstanding ICTY cases, an unforeseen retrial and unexpected litigation arising out of completed Mechanism cases.²⁹ Office staff in The Hague further noted that multitasking arrangements created cumbersome reporting lines, which led to confusion and friction between management and staff on several issues, including prioritization of assignments, performance management and the number of approvals required for leave requests. Office staff were least satisfied among Mechanism offices on indicators relating to planning, communication, recruitment and promotion (see figure III). Office of the Prosecutor management indicated that it had begun a process in March 2017 to address some of these issues.

Figure III
Office of the Prosecutor staff satisfaction (percentage responding “Agree”)



Source: OIOS staff survey.

²⁵ S/2017/434, annex II, para. 22; staff interviews.

²⁶ S/2017/434, annex II, para. 23.

²⁷ Interview with IRMCT Principal.

²⁸ Staff survey; staff interviews.

²⁹ S/2016/975, para. 70; S/2017/434, para. 85; staff interviews.

While the Registry operated within a different context owing to its size and expansive range of functions, it experienced a relatively slower integration and harmonization process

24. As the Mechanism moved towards becoming a self-standing institution, the Registrar consistently encouraged a unified work culture, inter- and intra-branch coordination and harmonization of governance frameworks, including practice directions, policies, standard operating procedures and guidelines.³⁰ Representatives of both branches participated in formal meetings and sat on committees and boards, with their input solicited for official reports and correspondence on matters of interest to both branches. Staff confirmed that the Registrar promoted regular communication and sharing of best practices across branches.³¹ Most administrative support, however, was centralized in The Hague, on the basis of strategic decisions taken since 2012.³² Centralization ensured consistency in the application of United Nations rules, promoted the development of a uniform information technology (IT) infrastructure in line with the United Nations information and communications technology (ICT) strategy (see paras. 31 and 34), and allowed the Mechanism to use ICTY double-hatted staff. The latter also led to substantial efficiency gains and ensured the continued provision of administrative support and smooth transition of functions (see para. 17).

25. Nonetheless, continued centralization in The Hague and reliance on double-hatting prolonged the coexistence of distinct work cultures in The Hague and Arusha, limiting integration and innovation in some areas. Outside of the budget planning process, there was little evidence to suggest that concerted and continuous discussions took place on the eventual restructuring of the administration of the Mechanism into a self-standing institution.³³ An analysis of proposed budgets showed that the Registry marginally increased its requirements for continuous posts, while increasingly relying on general temporary assistance since 2012 (see figures IV and V). A proposed 43 per cent increase in general temporary assistance expenditures from the 2016–2017 to the 2018–2019 biennium was largely driven by the proposed transfer of 65 general temporary assistance positions in Administration from ICTY to IRMCT.³⁴ With a geographically dispersed staff, furthermore, administrative centralization had disadvantages and, in some cases, produced inefficiencies. For example, only two staff members in Arusha originally had certifying authority, posing a challenge to the timely execution of responsibilities.³⁵ In Arusha, staff felt frustrated by a perceived reduction in participation and ownership in decision-making, while staff in some offices in The Hague were overwhelmed. The Mechanism began to address these issues in early 2017.³⁶ As yet, however, no Arusha staff had been assigned the human resources partner role.

³⁰ Registry strategic priorities 2015 and 2017; and Registry workplans 2017–2018, output 3: provision of coordination and managerial support.

³¹ Staff interviews

³² Human resources, budget, procurement and finance remained centralized (with some presence in Arusha); security and general services were decentralized (2013 Utrecht retreat minutes).

³³ The administrative offices of the Registry looked largely the same at the start of 2018 as in previous bienniums.

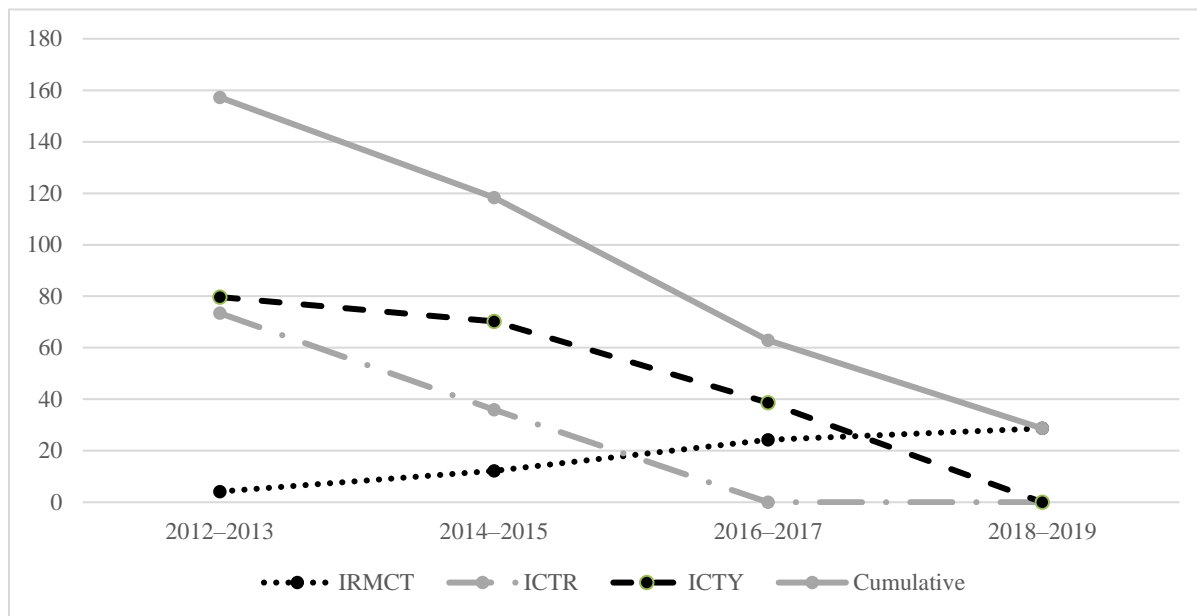
³⁴ See supplement to [A/72/396](#).

³⁵ Internal correspondence of 31 January 2017 and 17 February 2017.

³⁶ *Ibid.*, Arusha staff were interviewed in September 2017.

Figure IV
International Residual Mechanism for Criminal Tribunals, Registry post budgets by biennium: continuous functions

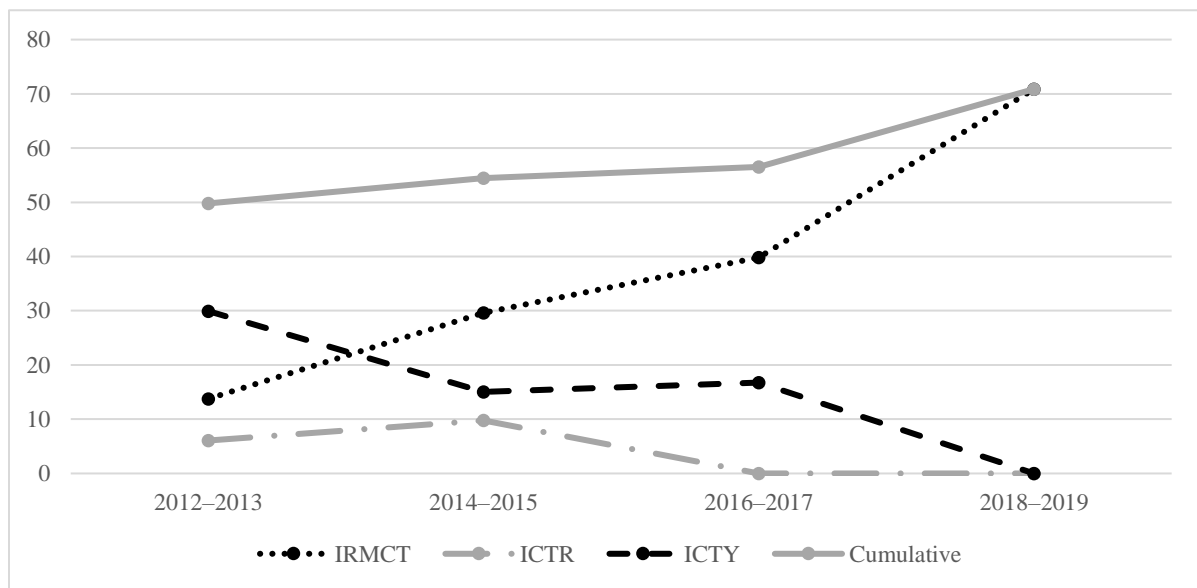
(Millions of United States dollars)



Source: Supplements to proposed budgets, [A/66/357](#), [A/66/368](#), [A/66/386](#), [A/68/491](#), [A/68/494](#), [A/68/681](#), [A/70/378](#), [A/70/397](#) and [A/72/396](#).

Figure V
International Residual Mechanism for Criminal Tribunals, Registry post budgets by biennium: general temporary assistance functions

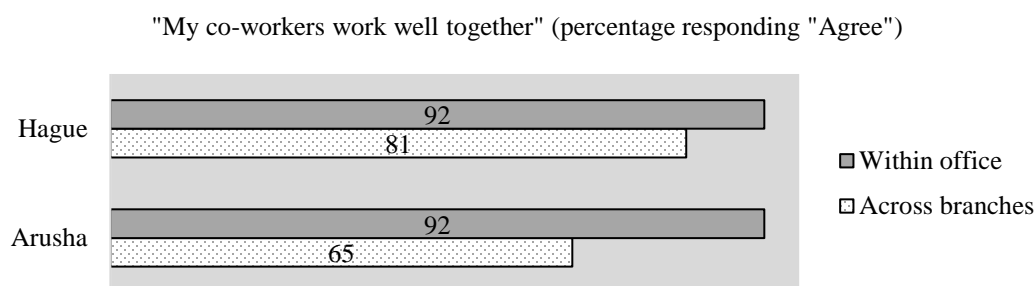
(Millions of United States dollars)



Source: Supplements to proposed budgets, [A/66/357](#), [A/66/368](#), [A/66/386](#), [A/68/491](#), [A/68/494](#), [A/68/681](#), [A/70/378](#), [A/70/397](#) and [A/72/396](#).

26. Perceptions varied as to the quality of cross-branch collaboration within the Registry. Arusha Registry staff in general and staff from both branches of the Mechanism Archives and Records Section and the Language Services Section tended to have less positive perceptions. Overall, two thirds (65 per cent) of Arusha staff felt their co-workers worked well together across the two branches (as compared with 81 per cent of The Hague staff) (see figure VI). Whereas some Registry sections, such as the Immediate Office of the Registrar, merely required ongoing communication and joint activities to coordinate across branches, other sections required further effort to breakdown resistance to change. For example, one of the key institution-building projects of the Mechanism to unify judicial records across the branches was hampered, and ultimately stalled, in part by disagreement over project fundamentals (see paras. 33 and 34).

Figure VI

Staff assessments of collaboration within immediate office and across branches

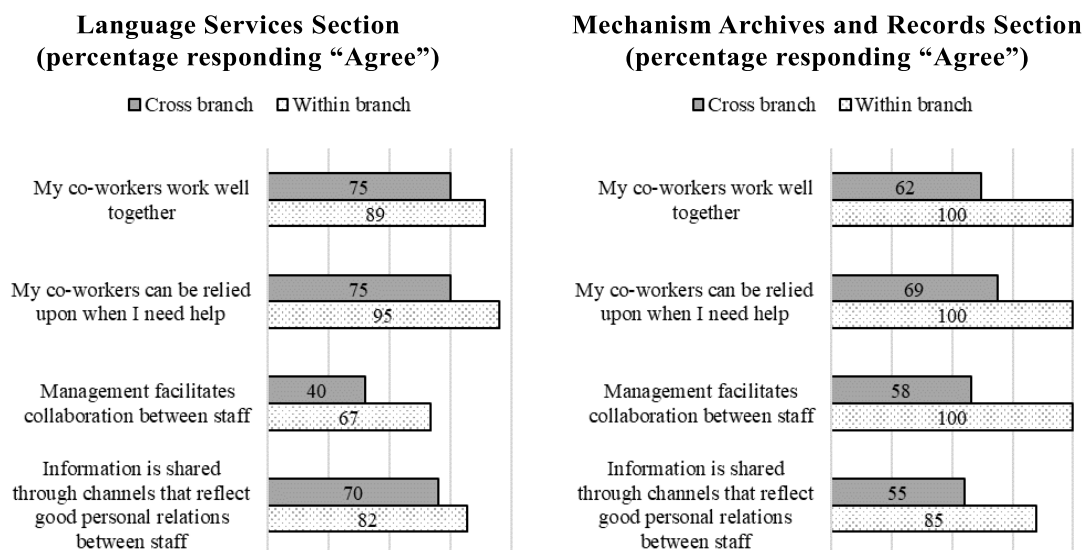
Source: OIOS staff survey.

27. For the Mechanism Archives and Records Section, a workshop convened in October 2016 marked the first time since the establishment of the Mechanism that both branches had met to focus on cross-branch coordination, with working groups established to improve various aspects.³⁷ Goal 5 of the Section strategic priorities 2017–2021 called for coordination, cooperation and collaboration across the branches, but this was reflected in the 2017–2018 workplan only in Arusha, not in The Hague. Overall, Section staff were less satisfied with collaboration across the branches than with that within their own branch (see figure VII). Section staff in Arusha perceived an increase in meetings since the 2016 workshop, while staff in The Hague felt that progress was limited.³⁸ Staff in Arusha and The Hague also disagreed on the degree of sustained leadership in ensuring commitment to cross-branch coordination and about the effects of the section's current separation of operations.

³⁷ MARS Strategic Plan 2017–2021, pp. 4 and 5; Mechanism Archives and Records Section Newsletter, "Life on MARS...", 1 November 2016.

³⁸ Staff interviews.

Figure VII
Within-branch and cross-branch responses on collaboration and communication in the Mechanism Archives and Records Section and the Language Services Section



Source: OIOS staff survey.

28. For the Language Services Section, coordination between the branches involved regular communication, cross-branch missions and jointly developed policies. Staff in The Hague branch assisted with the implementation of a translation tracking system in Arusha to monitor productivity. Regular contact helped resolve operational matters and promote efficiency at both branches. Interviews confirmed that teams shared platforms and software and coordinated on document management. Survey results supported these findings, except for perceptions of management's facilitation of cross-branch collaboration (see figure VII). Interviews brought up the need to deepen coordination between The Hague and the Kinyarwanda translation unit in Arusha. This newly established unit in Arusha was supervised by the Chief of the Language Services Section in The Hague, which proved challenging. The unit was smaller than the French or Bosnian/Croatian/Serbian translation units, yet faced an increasing workload and significant backlog of translations inherited from ICTR, struggling initially to achieve Section output standards.³⁹ With a limited pool of qualified candidates willing to relocate to Arusha, rapid recruitment was difficult. Lastly, the Section lacked measures to support Arusha staff when they needed assistance prior to opening hours in The Hague.

³⁹ While both branches shared productivity standards by 2017, data from the Language Services Section indicated that for translations from English to Kinyarwanda there was a backlog of 30 judgments (14,200 pages), compared with English to French (11 judgments — 12,785 pages) and English to Bosnian/Croatian/Serbian (1 judgment — 2,618 pages). It was noted in interviews that the United Nations norm per day is 5.5 pages for translation, whereas at ICTR it was 3.5 pages.

B. Significant and resource-intensive institution-building projects had not yet come to fruition, owing in part to internal divisions and gaps in management

The Arusha facilities were beset by serious defects, with significant delays in their resolution, contributing to a sense among some Arusha staff that the branch is a “field office”

29. Substantial completion of the Arusha construction project was declared in December 2016, along with certification that the premises were fit for occupation.⁴⁰ Since then, a number of problems have arisen, including deficiencies in the grounds, courtroom, archive facilities, data centre and office building.⁴¹ There have been significant delays in remedying these conditions, despite a call by the Registrar for a “vigorous” pursuit of remedies in April 2017.⁴² When substantial completion was declared, numerous architectural, mechanical and electrical defects remained, while others emerged upon occupation of the premises, most of which remained unaddressed as at October 2017.⁴³ Following substantial completion, the project manager departed the Mechanism, with a new manager appointed in mid-2017. During the six-month hiatus, responsibilities for all post-construction defects fell to the General Support Services of the branch, which was overwhelmed with responsibilities relating to both post-construction issues and general facilities management.⁴⁴

30. Arusha staff faced challenging working conditions throughout 2017, posing risks to health and safety. Poor conditions, as communicated by staff in interviews and identified in Mechanism documentation, included exposure to dust, rain and pooling water inside the office building; intense sunlight exposure; insufficient sound barriers between offices; structural deficiencies; and a long commute, perceived as dangerous after sunset.⁴⁵ In the staff survey, 38 per cent of Arusha-based staff disagreed that their working conditions and environment enabled them to do their job well (compared with 13 per cent of The Hague-based staff), the most negative result for Arusha staff of all job satisfaction questions. Recognizing these concerns, the Mechanism leadership sought to address them through greater communication with staff and prioritization of remedies for defects outstanding.⁴⁶ For example, blinds were eventually installed to shade offices from the afternoon sun, a major staff complaint. Nonetheless, these conditions, and the delays in addressing them, contributed to a sense among some Arusha staff that The Hague was functioning as the de facto headquarters of the Mechanism and Arusha as its “field office”. These concerns also related to the centralization of key administrative support in The Hague (see para. 25), and how well counterparts in The Hague understood the “realities on the ground” in Arusha.⁴⁷

⁴⁰ Handover note, 31 December 2016; OIOS Audit of post-construction and occupancy of the new office facility for the Mechanism for International Criminal Tribunals at Arusha (Assignment No. AA2017/261/07). Supplementary information can be provided by OIOS upon request.

⁴¹ These deficiencies are detailed in the OIOS Audit of post-construction and are therefore not reviewed in detail here.

⁴² Internal memorandum on Mechanism Registry strategic priorities, 25 April 2017.

⁴³ Interview with Internal Audit Division staff; OIOS Audit of post-construction.

⁴⁴ OIOS Audit of post-construction; interviews with Arusha staff; and interviews with Internal Audit Division staff.

⁴⁵ OIOS Audit of post-construction; interviews with Arusha staff.

⁴⁶ Interview with IRMCT Principal.

⁴⁷ Interviews with Arusha staff.

The unified judicial database project, a pillar of the Mechanism’s institution-building process, experienced significant delays and was suspended, weakened by internal divisions and inadequate stakeholder engagement

31. The aim of the unified judicial database project was to harmonize the management of judicial records of the Tribunals (as well as those created during the tenure of the Mechanism) and provide streamlined access for both branches and to external users.⁴⁸ This was a large and complex operation, given the immensity of the two Tribunals’ physical and digital records and the different systems used to manage them.⁴⁹ While ICTY had developed an in-house system built and managed by ICTY information technology support services staff, ICTR utilized commercial software. A commercial solution, based on an upgraded version of the ICTR system, had been identified as the most appropriate for the Mechanism.⁵⁰ Once completed, the database was expected to be a pillar of the institution-building process, facilitating streamlined coordination between the branches; establishing a single, public-facing entry point; and reducing the costs and risks associated with managing separate systems in each location.⁵¹

32. Nonetheless, the unified judicial database experienced significant delays and at the time of the evaluation was suspended pending an internal review. Discussed since 2012, and initiated in February 2014, the project was planned cautiously over four stages: assessment of technical requirements; development of options; selection of the preferred option; and implementation; with a fifth stage envisioned, but not formally planned, to integrate several ICTY legacy platforms needed for ongoing trial and appeals work.⁵² While completion was originally scheduled for October 2016, the timeline was revised several times, with the implementation of the platform completed in June 2017.⁵³ The database was still not ready for launch at that point, with a revised estimated launch in the first quarter of 2018.⁵⁴ A revised risk assessment from May 2017 noted several technical risks not foreseen in the original project design.⁵⁵ Project leadership noted on multiple occasions the complexity of the project and the resulting challenge of predicting timelines.⁵⁶

33. An analysis of project documentation and interviews with stakeholders suggested that the delays and suspension were the result not only of the complexity of the project or optimistic planning, but also of inadequate stakeholder engagement and persistent divisions within the project team, both of which could have been addressed earlier. In October and November 2016, for example, the Prosecutor and President both expressed their concern about inadequate engagement and insufficient time planned for quality control, verification, testing and training.⁵⁷ In response, a proposed soft launch was delayed until verification could be completed while an internal verification team worked until May 2017 to manually check records.⁵⁸ The President expressed similar

⁴⁸ Internal memorandum, 4 April 2014.

⁴⁹ These include over 7.4 million pages of filings, transcripts and evidence and tens of thousands of hours of audiovisual material; unified judicial database business case, 30 November 2015.

⁵⁰ Unified judicial database business case.

⁵¹ Internal memorandum, 4 April 2014.

⁵² Internal memorandum, 8 December 2017.

⁵³ Unified judicial database business case, Assessment of technical requirements and project timelines; internal memorandums, 11 October 2016, 2 November 2016 and 30 June 2017.

⁵⁴ Internal memorandum, 8 December 2017.

⁵⁵ Updated unified judicial database risk assessment, 1 May 2017.

⁵⁶ Internal memorandums, 15 May 2017 and 8 December 2017.

⁵⁷ Internal memorandums, 11 October 2016 and 2 November 2016.

⁵⁸ Internal memorandum, 16 November 2016; updated unified judicial database Risk Assessment, 1 May 2017.

concerns again in January 2017 about the risk of a rushed timeline and requested more information on the proposed schedule, which was provided in May 2017 following additional testing by the vendor.⁵⁹

34. In addition, resistance came from some of the Mechanism staff in The Hague who faced the prospect of having to adjust to new practices. In particular, information technology support services had continued concerns about the decision to deploy commercial software. In November 2017, almost three years after the project's statement of functional requirements and two years after the decision for a commercial solution, information technology support services suggested that an in-house solution based on its proprietary ICTY platform would be better suited to the project.⁶⁰ In response, select stakeholders reiterated their initial rationale for the commercial software, including its alignment with the prevailing ICT strategies of both the United Nations and the Mechanism.⁶¹ Evidence was unavailable as to whether information technology support services had reoriented its staffing structure and skill base to reflect this updated Mechanism strategy.

C. The Mechanism had been at the forefront of gender considerations at the institutional, strategic, and operational levels; however some gaps persisted

35. The Mechanism was committed to promoting gender equality within its institution, as well as in its policies and practices. It surpassed the United Nations gender parity goal in 2013,⁶² and had since consistently exceeded the United Nations system-wide average. In 2017, the Mechanism had 58 per cent female and 42 per cent male professional staff.⁶³ Focal points for gender issues, sexual exploitation and abuse, lesbian, gay, bisexual and transgender concerns and diversity and inclusion issues were also appointed. As the Mechanism rules of procedure and evidence were based on those of ICTY and ICTR, it contained similar provisions on counselling and support to victims of rape and sexual assault and on evidence in cases of sexual assault.⁶⁴ The Office of the Prosecutor was also active in sharing best practices in gender jurisprudence. For instance, in 2016 it convened a peer-to-peer discussion on conflict-related sexual violence with current and former prosecutors and academic experts, and, in 2017, it participated in an expert mission to Colombia to advise on the integration of gender perspectives into the transitional justice process and share lessons on prosecuting conflict-related sexual violence.⁶⁵

36. While attention was devoted to gender balance in the Mechanism overall, when staffing numbers were disaggregated by location, the percentage of women was lower in Arusha and Kigali than in The Hague. Analysis of the Mechanism staffing tables⁶⁶ in August 2017 indicated that, while The Hague branch had 59 per cent female staff, the Arusha branch and Kigali sub-office had a much lower percentage of women (see

⁵⁹ Internal memorandum, 31 January 2017.

⁶⁰ Internal memorandum, 10 November 2017.

⁶¹ [A/RES/67/254](#); internal memorandums, 8 December 2017, 13 December 2017 and 14 December 2017.

⁶² [S/2013/309](#), para. 25.

⁶³ [S/2017/971](#), para. 26.

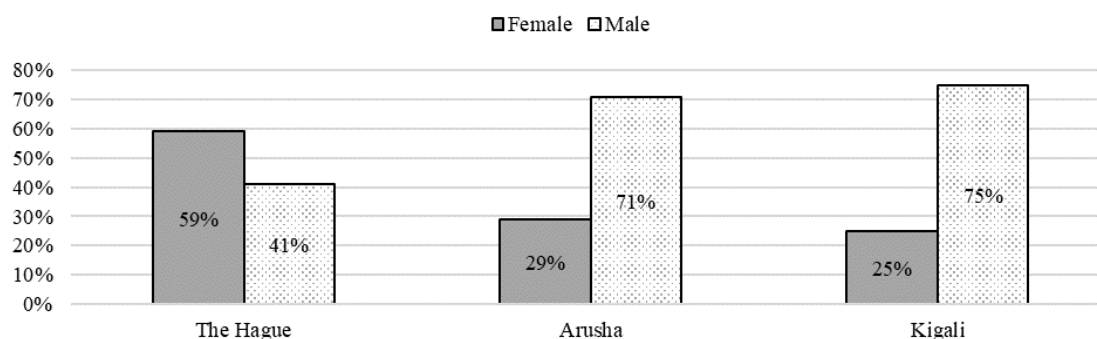
⁶⁴ Rules of procedure and evidence rules 32 and 188, respectively.

⁶⁵ [A/72/261-S/2017/661](#), paras. 48 and 49.

⁶⁶ This includes continuous and general temporary assistance posts.

figure VIII).⁶⁷ Further disaggregation by location and staff category revealed that, while The Hague branch had over twice the number of female Professional staff relative to males, and the gender ratio was roughly 50/50 for General Service staff,⁶⁸ Arusha and Kigali had consistently fewer female staff across the Professional and General Service categories.⁶⁹ While, in the staff survey, 36 per cent of The Hague staff felt that a greater balance was needed between male and female staff at all levels in their offices, far greater percentages of Arusha staff (67 per cent) and Kigali staff (85 per cent) felt similarly. In November 2017, the Office of the Prosecutor added two female Professional staff in Arusha, increasing the percentage of female Professional staff (P-4 and above) in that branch from 12 to 18 per cent.⁷⁰ Fair representation of women in senior appointments across the institution was lagging, with only 5 female judges out of a total of 25 remote judges, and none among the three elected Mechanism principals.

Figure VIII
Gender distribution of Mechanism staff by location



Source: OIOS analysis of the 2017 staffing tables.

The policy on witness support and protection did not reflect the evolving practice on gender-sensitive approaches

37. Mechanism rules of procedure and evidence, rule 32 (B), echoed the language in the corresponding ICTR rules of procedure and evidence, rule 34, explicitly calling for a gender-sensitive approach to victims and witnesses protective and support measures. However, there was no explicit gender-sensitive policy or guidance, indicating the lack of a systematic approach to address the different needs of male and female witnesses and victims. At the time of the evaluation, the Mechanism website indicated that the Witness Support and Protection Unit undertakes a gender-sensitive approach for all supportive and protective measures applied to victims and witnesses, including the provision of counselling and medical support to victims and witnesses. The Unit takes particular care in the cases of victims of rape or sexual

⁶⁷ In Arusha, 29 per cent of all staff were female, whereas 71 per cent were male; in Kigali, 25 per cent of all staff were female, whereas 75 per cent were male.

⁶⁸ 66 per cent female Professional staff to 33 per cent male; and 51 per cent female General Service staff to 48 per cent male.

⁶⁹ In Arusha, there were 31 per cent female Professional staff to 68 per cent male; 35 per cent female Field Service staff to 64 per cent male; 5 per cent female General Service staff to 82 per cent male. In Kigali, there was 1 male Professional staff member and no female staff members; 25 per cent female Field Service staff to 75 per cent male; and 30 per cent female General Service staff to 70 per cent male.

⁷⁰ Email correspondence with Registry, 12 December 2017.

assault,⁷¹ but no further detail was available. The 2012 policy set out common principles for the provision of witness-related services by the Witness Support and Protection Unit at each branch with a view to recommend protective measures and to provide counselling and support to victims and witnesses, especially in cases of rape and sexual assault.⁷² Interviews with Witness Support and Protection Unit staff in both branches confirmed the existence of staff with psychosocial expertise, the provision of counselling, as well as options for childcare assistance when witnesses were required to travel.⁷³ They also noted that victims and witnesses had the option to receive protective and support measures from either a male or female staff. Unlike the corresponding ICTY and ICTR rule 34 however, rule 32 did not require a gender-balanced Witness Support and Protection Unit staff. Lastly, interviews with Mechanism staff indicated that a predominantly gender-neutral approach to care informed the provision of medical care in Kigali.⁷⁴ There may thus be a lack of clarity among Witness Support and Protection Unit staff as to what a gender-sensitive approach requires.

D. The responsiveness of the Mechanism to prisoners' medical payments was inadequate

38. The supervision and enforcement of sentences is a continuous function that may last for years, depending on the age of the prisoner, sentence length and eligibility for pardon or commutation of sentence. Under the supervision of the President, the Registrar is responsible for the technical aspects of the enforcement of sentences. The Registry ensured the supervision of enforcement agreements, including conditions of detention and responding to requests and correspondences. In a few host enforcement States, the Mechanism was responsible for the medical payments of prisoners, for which it relied on cooperation with a United Nations organization and contractual agreements with a pool of medical providers in country.⁷⁵ In January 2017, the Mechanism instituted a quarterly emergency medical allowance of \$1,000 for each country under its responsibility, which covered urgent medical treatment or medications of prisoners when the existing arrangements could not provide immediate necessary care.

39. From 2016 to 2017, the total medical cost for prisoners was approximately \$128,904, excluding back payments.⁷⁶ Significant back payments owed to medical providers for services rendered over a two- to three-year period totalling \$38,914 in two countries were settled in 2017.⁷⁷ The evaluation was unable to determine whether the backlog in payments affected the continuous provision of medical care. The Mechanism noted that the backlog of payments was due to a clerical error on the part

⁷¹ <http://www.unmict.org/en/about/functions/witnesses>.

⁷² IRMCT, Policy for the provision of support and protection services to victims and witnesses, 26 June 2012, article 5 (2).

⁷³ Staff interviews.

⁷⁴ Staff interviews.

⁷⁵ Memorandum of understanding between the United Nations Development Programme (UNDP) in Benin and the International Residual Mechanism for Criminal Tribunals (2015), sections 1 and 2; Memorandum of understanding between UNDP in Mali and the International Residual Mechanism for Criminal Tribunals (2014), sections 1 and 2.

⁷⁶ The figures were tallied from January to October annually.

⁷⁷ Correspondence with the Mechanism indicated a significant backlog of invoices which were recently paid. The Benin invoices date from 2015 and, in the case of Mali, from 2014 to 2016. It is unclear from the information provided which costs were for 2016.

of a medical provider. Additionally, the prompt transmittal of medical invoices to the Mechanism by a partner United Nations organization was challenging, and reimbursements of medical costs to that organization or to the prisoners were slow. The medical invoices were provided to the Mechanism during intermittent technical missions to the enforcement States and by email.⁷⁸ In one country, the partner United Nations organization faced challenges in responding to the demands of an ageing prison population, some with urgent requests for medical analysis, treatment or medicines, for which even the supplemental quarterly emergency medical allowance was insufficient. The ability of the partner organization to follow up and monitor the situation was limited because the country office could only respond to matters that were brought to its attention by the prison authorities, about which they subsequently alerted the Mechanism in accordance with the memorandum of understanding.⁷⁹ Prisoners incurred out-of-pocket expenses in several instances to ensure that their medical needs were met. Several letters were written by defence counsel on behalf of prisoners to solicit reimbursement for payment of medical services rendered from 2014 to 2017. It remained unclear whether all claims were resolved.

V. Conclusion

40. With the closure of ICTR and ICTY, the Mechanism became a fully self-standing institution, in line with the transitional arrangements mandated by the Security Council.⁸⁰ Overall, the Mechanism made significant progress towards establishing itself as a small, temporary and efficient structure, whose functions and size will diminish over time, with the capacity to respond to varying workloads and balance immediate demands against longer-term priorities. The Mechanism was mindful of the mandate to be temporary; nevertheless, some of its continuous functions are fulfilling long-term needs.⁸¹ While the demands of downsizing, multitasking, job insecurity and periodic surges were evident, staff across all organs reported high levels of job satisfaction, dedication to their work and understanding of their contributions to the mission of the Mechanism. This bodes well for the future of the Mechanism as it continued to balance ad hoc and continuous functions in executing its mandate.

41. The organs varied, however, in the extent to which their offices established collaborative and inclusive relationships across the two branches and restructured working practices in line with requirements to be small and lean. The greatest gap remained with the Registry, which was not only the largest of the organs, but also relied for far longer and more substantially on support from the Tribunals in its efforts to maximize efficiencies related to double-hatting. Obstacles encountered by two of its largest institution-building projects reflected the challenges, both external and internal, of instituting change and establishing a unified working culture.

VI. Recommendations

42. OIOS makes six important recommendations to the Mechanism.

⁷⁸ Email correspondence with the Arusha branch, 2 November 2017.

⁷⁹ Interview with partner United Nations organization.

⁸⁰ S/RES/1966 (2010), annex 2.

⁸¹ S/2017/434.

Recommendation 1 (see sect. IV, result A)

43. **Develop scenario-based workforce plans to enhance responsiveness to a surge in workload.** Given the budget reduction in the 2018–2019 biennium, the Mechanism should develop and use scenario planning to inform decisions on the allocation of resources, staff training and preparation for unforeseen and foreseeable events (i.e., trial activities and requests for assistance) to ensure its ability to scale up quickly and effectively, including:

(a) Analysing the implications of different scenarios for Mechanism functions;

(b) Developing actionable plans to mitigate their risks.

Indicator(s) of achievement: Scenarios are identified and plans and protocols developed to respond to changes in workload.

Recommendation 2 (see sect. IV, result A)

44. **Support and strengthen staff morale through conduct of a survey to identify key concerns to manage downsizing and upsizing.** The Office of the Prosecutor should identify the root causes of low morale to enable better planning for the likely effects of such changes.

Indicator(s) of achievement: Analysis of staff morale is conducted and strategies to manage institutional changes are developed and implemented in consultation with staff of the Office of the Prosecutor.

Recommendation 3 (see sect. IV, results A and B)

45. **Enhance efforts in strengthening the harmonization and unification of offices as one institution.** The Registry should engage in more strategic planning, by:

(a) **Offering the same high-quality services throughout the Mechanism.** Administrative support services should reorient itself as a service provider that offers a high standard across both branches and remains sensitive to different commercial environments;

(b) **Deepening internal efforts to coordinate across branches** within specific Registry sections to foster a unified office, particularly in the Mechanism Archives and Records Section and Language Services Section.

Indicator(s) of achievement: Strategic plans and operational procedures, developed in consultation with Registry staff, reflect an intensification of cross-branch coordination and harmonization of service delivery.

Recommendation 4 (see sect. IV, result B)

46. **Ensure institution-building projects are supported by consistent leadership, inclusive engagement and, where necessary, third-party expertise.** To address resistance to change and encourage end-user satisfaction, the Registrar should:

(a) On the Arusha facilities: **Prioritize certain areas of the Lakilaki building affecting staff working conditions and identify means to address them in a timely manner.**

(b) On the unified judicial database: **Engage a neutral entity to provide an independent assessment of the current state of the project and the feasibility of integrating custom-built ICTY applications. The Registrar should also broaden and deepen engagement with all project stakeholders.**

Indicator(s) of achievement: Evidence of broad Mechanism representation on project management teams; evidence of consultation with Mechanism stakeholders at all stages of project design, implementation and assessment; and evidence of a prompt and structured handover process to ensure continuity of project leadership and management during transitions, as applicable.

Recommendation 5 (see sect. IV, result C)

47. **Monitor gender balance and parity by conducting analysis across branches and sub-offices, as well as actively appoint qualified female candidates in Arusha during the 2018–2019 biennium.** To advance the 2017 gender parity strategy of the Secretary-General, the Mechanism should monitor and use a human resources dashboard for up-to-date information on the gender and geographic distribution of staff.

48. **Incorporate a general overview of gender-sensitive and gender-appropriate approaches in Witness Support and Protection Unit policy.** The Registrar should ensure that the Witness Support and Protection Unit policy reflects, across both branches, up-to-date and relevant information and guidance on gender-sensitive and gender-appropriate approaches, while also considering social and cultural specificities related to the support and protection of victims and witnesses.

Indicator(s) of achievement: (a) Improved gender balance across branches and sub-offices in the upcoming budget cycle as reported in progress and annual reports; and use of a human resources dashboard; (b) revisited and updated Witness Support and Protection Unit policy with detailed guidance as necessary.

Recommendation 6 (see sect. IV, result D)

49. **Take a proactive approach to strengthening the supervision and provision of medical care and payments on behalf of prisoners.** The Mechanism should eliminate out-of-pocket expenses incurred by prisoners; this includes:

(a) **Ensuring universal cost coverage for medical care, and improved monitoring and assessment when alternative measures are utilized, including out-of-pocket payments by prisoners;**

(b) **A holistic review of the medical needs of an ageing prisoner population, to inform a robust plan for meeting these needs where the Mechanism is responsible for medical costs.**

Indicator(s) of achievement: Monitoring and analysis of out-of-pocket expenses incurred by prisoners; and an assessment of and plan for meeting the medical needs of an ageing prison population.

Annex***Memorandum dated 26 February 2018 from the Registrar of the International Residual Mechanism for Criminal Tribunals****Introduction**

The International Residual Mechanism for Criminal Tribunals welcomes the mandate given by the Security Council in resolution [2256 \(2015\)](#) to the Inspection and Evaluation Division of the Office of Internal Oversight Services to evaluate the methods and work of the Mechanism. The Mechanism appreciates the professionalism of OIOS throughout the evaluation, and welcomes the opportunity to provide comments to the report.

The Mechanism is pleased with the outcome of the evaluation, which recognized, inter alia, the progress made towards realizing its mandate as a small and efficient institution, and its operational innovations, in terms of workflow and streamlined organizational structures.

The Mechanism further appreciates the recommendations made by OIOS and is committed to their implementation.

Evaluation results

Evaluation results part A

The Mechanism welcomes the recognition of the benefits of the double-hatting arrangements with the International Criminal Tribunals for Rwanda and the former Yugoslavia (ICTR and ICTY, respectively), which ensured efficiencies, facilitated a smooth transition to the Mechanism and promoted communication and multitasking.

The Mechanism is pleased with the OIOS finding that staff were largely satisfied with their work. This is in line with the United Nations Global Staff Satisfaction Survey published in January 2017, in which the Mechanism scored fourth across the United Nations in the category: “best place to work”. In the same survey, the Mechanism was considered the institution operating with the highest integrity across the Organization.

The Mechanism appreciates that OIOS noted the consistent efforts made by the Registry over the years, which have resulted in consistently greater coordination and inter- and intra-branch communication, the development of a harmonized governance framework and the promotion of a unified work culture. In two areas where OIOS registered slower progress in inter-branch coordination, namely, archives management and language services staff, the Mechanism observes that these sections have nonetheless jointly developed plans and policies. The Archives and Records Management Sections in both branches have jointly collaborated on successful projects such as the joint digital preservation project, redesign of website and intranet pages, online and physical exhibitions. The Registry remains committed to closing any gaps that there may remain.

The Mechanism is pleased that OIOS recognizes the substantial efficiency gains, the smooth transition of functions and the continued provision of administrative support achieved by the Registry. In particular, the Registry’s

* In the present annex, the Office of Internal Oversight Services presents the full text of the comments received from the International Residual Mechanism for Criminal Tribunals. This practice has been instituted in line with General Assembly resolution [64/263](#), following the recommendation of the Independent Audit Advisory Committee.

progressive establishment of the Mechanism's self-standing administration was significantly guided by financial prudence, innovation and deliberate planning. When the Mechanism commenced operations, all of its administrative services were provided to it by ICTR and ICTY. As the ad hoc Tribunals had less capacity to provide these services, due to their progressive downsizing and eventual closure, the Mechanism incrementally established its self-standing administration. Intended to be small and efficient, the Mechanism administration did not replicate ICTR/ICTY structures: rather, it reduced staffing numbers and levels and developed streamlined procedures. This minimum staffing component is supplemented by general temporary assistance to support the institution in periods of peak workload, such as the current period of heightened judicial activity. Such additional staff can be smoothly scaled down when activity levels decrease. Administration is a service provider, and will continue to strive to service both branches of the Mechanism equally and fairly while remaining mindful of different local operational realities.

Evaluation results part B

In December 2016, the Mechanism completed the construction of its new premises in Arusha within budget. The project benefited from the generosity of the United Republic of Tanzania, which donated land and connection to utilities and offered excellent cooperation throughout. It also maximized the use of local design elements, material and labour. The project is currently in the defects liability period, during which the contractor, under the general supervision of the architects, must complete any minor outstanding works or remedy any defective works, as notified by the United Nations. A punch list of existing defective items and minor outstanding works that the contractor must rectify or complete was generated as part of the substantial completion inspection. Additionally, some design defects, including notably those relating to the HVAC system for the archives facility, emerged in the post-occupancy phase. Notwithstanding some delay, mainly due to a turnover of key personnel in the project, good progress has now been achieved, with most issues having been addressed. The Mechanism is committed to the prompt conclusion of any remaining work. Additionally, the Mechanism, in consultation with Headquarters, is in the process of examining options for the appropriate recovery of direct and indirect costs arising out of delays and errors attributable to the Mechanism's contractual partners, where economically feasible. The Mechanism wishes to emphasize that the management of issues related to the premises should not be viewed as Arusha being considered as "a field office". The Mechanism operates as one institution with two branches.

The implementation of the unified judicial database project has progressed cautiously to ensure the protection of sensitive information and to increasingly expand stakeholders' engagement. As the project is being implemented, technical issues on the part of the selected vendor to meet the functional requirements of system integration have emerged. At this stage of the implementation of the project, and to supplement the internal feedback received thus far, the Mechanism would welcome additional input arising from an independent assessment of the project, as recommended by OIOS, subject to availability of funds. It is anticipated that an external technical assessment would help the Mechanism further analyse the project's strengths and weaknesses, as well as determine next steps, including the continued feasibility of the project. It is noted that, as the project is under review, operations continue to run smoothly, supported by legacy systems.

Evaluation results part C

The Mechanism is pleased to have met or exceeded the Secretary-General's gender parity goal since 2013 and to have been at the forefront of gender considerations at the institutional, strategic and operational levels, as recognized by OIOS. It remains committed to addressing any remaining gender gaps.

In performing its mandate with respect to witness protection, the Mechanism has built on the pioneering "witness-centred approach" adopted by its predecessors. It has ensured that each witness, female or male, receive protection and support in accordance with his/her needs, which include, and is not limited to, gender considerations. As the Mechanism is in the process of updating its witness management governance framework, it welcomes the OIOS recommendation to explicitly reflect therein gender-sensitive and gender-appropriate practices.

Evaluation results part D

Lastly, the Mechanism is grateful for the sustained cooperation that it has received from Member States in the enforcement of sentences pronounced by ICTR, ICTY or the Mechanism, in full conformity with international standards. In connection with domestic authorities, the United Nations Development Programme, other partners and relevant inspecting bodies charged with reviewing the conditions of detention in enforcement States, the Mechanism has built on the best practices of ICTY and ICTR to ensure that conditions of enforcement fully conform to international standards, including with respect to the health care of convicted persons. In certain Member States where the Mechanism is responsible for the costs of medical care, the Mechanism has progressively developed a system of payments which, since 2012, has ensured uninterrupted medical care to the convicted persons, oversight and flexibility, while fully respecting the relevant financial rules. While the smooth functioning of the medical payment system relies on the cooperation of multiple partners at a variety of levels, and some factors are outside of the Mechanism's control, the Mechanism is committed to achieving further efficiencies in the processing of medical bills.
