



INTERNAL AUDIT DIVISION

REPORT 2021/042

Audit of the response of the International Residual Mechanism for Criminal Tribunals to the COVID-19 pandemic

**Satisfactory measures were implemented in
response to the pandemic, but business
continuity and staff counselling services
could be improved**

15 September 2021

Assignment No. AA2021-261-01

Audit of the response of the International Residual Mechanism for Criminal Tribunals to the COVID-19 pandemic

EXECUTIVE SUMMARY

The Office of Internal Oversight Services (OIOS) conducted an audit of the response of the International Residual Mechanism for Criminal Tribunals (IRMCT) to the 2019 coronavirus disease (COVID-19) pandemic. The objective of the audit was to assess the adequacy and effectiveness of the measures implemented by IRMCT to mitigate the impact of the COVID-19 pandemic and ensure continued operations. The audit covered the period from March 2020 to May 2021 and included a review of risk areas relating to: (a) governance; and (b) business continuity and contingency planning.

Satisfactory measures were implemented in response to the COVID-19 pandemic, but business continuity and staff counselling services could be improved.

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

- Develop business continuity plans and ensure that key actors involved in planning, preparation and coordination go through simulation exercises to assure adequate preparedness;
- Ensure that lessons learned are systematically documented and used to improve its response measures and resilience to disruptive events; and
- Provide appropriate counselling services to support the psychological wellbeing of its staff.

IRMCT accepted the recommendations and has undertaken to implement them.

CONTENTS

I. BACKGROUND	1
II. AUDIT OBJECTIVE, SCOPE AND METHODOLOGY	1-2
III. AUDIT RESULTS	2-6
A. Governance	2
B. Business continuity and contingency planning	2-6
IV. ACKNOWLEDGEMENT	6
ANNEX I	Status of audit recommendations
APPENDIX I	Management response

Audit of the response of the International Residual Mechanism for Criminal Tribunals to the COVID-19 pandemic

I. BACKGROUND

1. The Office of Internal Oversight Services (OIOS) conducted an audit of the response of the International Residual Mechanism for Criminal Tribunals (IRMCT) to the COVID-19 pandemic.
2. The Security Council established IRMCT in 2010 as an international court to take over the remaining functions of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda after completion of their mandates. The Mechanism consists of three organs: (a) Chambers; (b) Office of the Prosecutor; and (c) Registry. The organs are headed by Principals.
3. The Mechanism operates branches in The Hague, Netherlands, and Arusha, Tanzania as well as field offices in Kigali, Rwanda and Sarajevo, Bosnia and Herzegovina.
4. On 11 March 2020, the World Health Organization declared the COVID-19 outbreak as a pandemic. Key stakeholders of the Mechanism at risk of being affected by the pandemic include staff and their dependents, judges, accused and convicted persons, witnesses, defence teams, and contractors.
5. The COVID-19 pandemic affected all duty stations of the Mechanism. As of 31 May 2021, the Mechanism had 538 staff consisting of 231 female and 307 male. By 2 June 2021, the Mechanism's records indicated that 34 staff members had been infected with COVID-19 with one fatality.
6. For 2020 and 2021, the Mechanism had approved budgets of \$96.9 million and \$97.5 million, respectively. The Mechanism did not seek additional funding to respond to the pandemic, but utilized savings generated mostly from suspension of travel due to lockdowns and other restrictions.
7. Comments provided by IRMCT are incorporated in italics.

II. AUDIT OBJECTIVE, SCOPE AND METHODOLOGY

8. The objective of the audit was to assess the adequacy and effectiveness of the measures implemented by IRMCT to mitigate the impact of the COVID-19 pandemic and ensure continued operations.
9. This audit was included in the 2021 risk-based work plan of OIOS due to the risks associated with the potential adverse impact of the COVID-19 pandemic on the Mechanism's staff and operations.
10. OIOS conducted this audit from March to June 2021. The audit covered the period from March 2020 to May 2021. Based on an activity-level risk assessment, the audit covered risk areas relating to: (a) governance; and (b) business continuity and contingency planning.
11. The audit methodology included: (a) interviews with key personnel; (b) review of relevant documentation; (c) analytical review of data; and (d) physical and virtual observation, as feasible. The audit, which was carried out remotely from The Hague, relied on: (i) relevant data extracted from Umoja; (ii) the Mechanism's broadcasts to staff; (iii) the Mechanism's COVID-19 webpage; (iv) minutes of meetings; (v) discussions with key staff; and (vi) videos and pictures provided by staff.

12. The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.

III. AUDIT RESULTS

A. Governance

Governance mechanisms were strengthened to respond to the pandemic

13. In March 2020, the Secretary-General required all duty stations to immediately designate a COVID-19 Outbreak Coordinator at all duty stations. The coordinator was to work with management teams and existing crisis management and preparedness mechanisms to ensure that all plans were prepared, and preparedness was monitored and tested.

14. In February 2020, the Mechanism established a COVID-19 Management Team (CMT) chaired by the Chief Administrative Officer and composed of senior representatives of the President's Office, Chambers, Office of the Prosecution, Registry with representation of Security, Facilities Management, Information and Technology, and the Medical Units in both branches, as well as representatives from each of the field offices. The aim of the CMT was to safeguard staff health and safety while ensuring business continuity as the Mechanism transitioned into remote working at all its duty stations. The CMT met regularly and their activities focused on: (i) sharing updates on developments on COVID-19 situation and Host Country responses at duty stations; (ii) developing part of the Mechanism's governance framework for its COVID-19 responses; (iii) developing and implementing Mechanism-specific measures and policies to address the pandemic; and (iv) discussing and coordinating strategic initiatives such as the return of all staff to the Mechanism's premises.

15. During the Mechanism's Coordination Council meeting on 10 July 2020, the Principals decided that they would benefit from having a steering committee to articulate their strategic priorities, initiate development of policy proposals and review proposals from the CMT. Accordingly, the Principals established the COVID-19 Steering Committee (CSC) composed of senior advisors to the Principals. Since August 2020, the CSC met regularly and developed policies and guidelines relating to the risks of COVID-19 on the health and wellbeing of staff and stakeholders, as well as the impact on the Mechanism's operations. The Principals exercised adequate oversight over the Mechanism's response to COVID-19 and they were regularly briefed on the developments at duty stations by their respective senior advisors.

B. Business continuity and contingency planning

Measures were developed to minimize delays in judicial operations

16. The Mechanism's in-court judicial operations were suspended temporarily due to the COVID-19 pandemic restrictions, such as lockdowns and suspension of travel which affected Judges, witnesses, the accused, and defence teams. Courtroom activities in the three ongoing major cases were affected by these restrictions. Other matters not requiring courtroom activity proceeded without interruption.

17. The Mechanism developed additional measures to address the situation, including the following:

(a) Use of secure video technology was increased to ensure continuation of court proceedings. Hybrids of in-person and remote court operations, via video teleconference, were developed for the courtrooms in The Hague and Arusha to ensure smooth continuation of ongoing court proceedings.

(b) Safety measures were developed for court proceedings in Arusha and The Hague branches where in-person attendance was possible.

(c) Written procedures were adopted in lieu of in-person status.

The condition of convicted persons in Enforcement States were supervised

18. As part of its mandate, the Mechanism regularly supervises the condition of the 49 convicted persons serving sentences in 15 Enforcement States in Europe and Africa. This included requesting regular updates from prison authorities on the overall COVID-19 situation, tracking the vaccination status of convicted persons, and making medical evacuation arrangements for them in case local healthcare capacity of Enforcement States was not sufficient.

Remote work arrangements facilitated continued functioning of the Mechanism

19. In March 2020, the Mechanism implemented remote work arrangements at all its duty stations to lessen the negative impact of the pandemic on its staff and operations. A maximum of 30 per cent of staff could work in the Mechanism's premises starting in August and September 2020 after implementation of policies and guidelines for face masks, hygiene, social distancing and physical layouts of courtrooms and offices. In determining the 30 per cent staff to work on the premises, the Mechanism considered factors such as: (i) staff working on sensitive and confidential files; (ii) staff whose functions are essential for ongoing court activities; and (iii) staff rotation for support functions. Staff were also allowed to come to the office as the need arose. CSC monitored the percentage of staff presence in the premises through statistics provided by the Safety and Security Section. This arrangement enabled organs of the Mechanism to undertake work in their priority areas.

20. The remote working environment had its challenges. Some staff experienced technical issues in working remotely but the CMT ensured that the Information Technology Support Service provided the required technological support. Some managers observed that in comparison to physical presence, the remote work environment was not as efficient or effective for their operations.

Need to develop business continuity plans for disruptive events

21. The Secretary-General required all duty stations to prepare their COVID-19 contingency plans by 15 March 2020 and utilize the United Nations Division of Health-Care Management and Occupational Safety and Health (DHMOSH) COVID-19 preparedness and response checklist.

22. The Mechanism did not develop contingency plans but instead relied on the CMT and CSC to develop pandemic related policies, guidelines and other solutions to address situations as they arose. For example, the Mechanism had not implemented Office 365 which could have facilitated remote working. Due to sensitivity and confidentiality of the Mechanism's records, it had decided not to store them on cloud-based platforms which Office 365 uses. To mitigate this situation, the Mechanism increased the capacity for remote access to its databases and systems.

23. Further, the Mechanism took several measures in response to the pandemic such as:

- Enhanced communication on COVID-19 to staff through email broadcasts, information posted on a dedicated intranet page, and holding town hall meetings;
- Increased logistical and technological support for the remote work posture and judicial proceedings;

- Re-arranged physical layouts in court rooms, offices, and other spaces to ensure social distancing;
- Enhanced hygiene measures within its premises;
- Developed policies and guidelines to minimize the risks of the pandemic and continue its operations; and
- Coordination with various United Nations offices and respective Country Teams in Tanzania, Rwanda and Bosnia and Herzegovina.

24. While the Mechanism effectively responded to the pandemic, ensuring staff well-being and business continuity, it had not developed the required business continuity and contingency plans. Key actors involved in planning and preparing the business continuity plans need to go through appropriate simulation exercises to assure preparedness. Lack of business continuity plans could compromise the Mechanism’s preparedness and expose it to the risk of disruption of operations.

(1) IRMCT should develop business continuity plans and ensure that key actors involved in planning, preparation and coordination go through simulation exercises to assure adequate preparedness.

IRMCT accepted recommendation 1. Recommendation 1 remains open pending receipt of the business continuity plans and evidence of simulation exercises to strengthen preparedness.

Need for guidance for systematic compilation of lessons learned from disruptive events

25. The Policy on the Organizational Resilience Management System (CEB/2014/HLCM/17) provides a comprehensive emergency management system, linking actors and activities across preparedness, prevention, response and recovery, to enhance resilience in order to improve the capacity of the Organization to effectively manage the risks of disruptive events. The policy requires, among others, United Nations organizations to identify, record and share lessons during implementation of the policy.

26. In September 2020, the CSC discussed the need to prepare lessons learned as part of its strategic planning. However, only the Registry was compiling the lessons learned from COVID-19 medical evacuations undertaken between January and March 2021. The Registry’s Head of Judicial Court Records and Court Operations Unit stated that the Registry was also planning to compile the lessons learned from in-court judicial operations which were held during the pandemic.

27. Documenting and applying the lessons learned across the Mechanism could enhance its preparation to counter disruptive events in future and strengthen its resilience.

(2) IRMCT should ensure that lessons learned are systematically documented and used to improve its response measures and resilience to disruptive events.

IRMCT accepted recommendation 2. Recommendation 2 remains open pending receipt of the lessons learned document.

Scenario planning was undertaken for staff return to premises

28. In September 2020, the Office of Human Resources issued policy guidance for staff members’ return to their duty station and/or workplace in the context of the COVID-19 pandemic. The policy provides that physical return to the workplace by staff members should be based on a cautious, phased, flexible and

people-centered approach, considering the guidance and regulations issued by the World Health Organization, Host Country authorities, and local authorities.

29. The CMT and CSC had developed scenario planning in April and September 2020 on physical return of staff to the premises, as well as back to office guides for The Hague and Arusha premises. The Mechanism implemented a maximum 30 per cent physical return of staff in The Hague (August 2020) and Arusha (September 2020). The CSC monitored staff presence in the Mechanism's premises.

30. In May 2021, CSC, with the involvement of the Mechanism Staff Union, prepared another generic scenario plan to provide a general framework for planning, preparation, and decision-making across the Mechanism in relation to resumption of full in-office staffing level at its four duty stations taking into account local conditions. In this scenario plan, the main objective of the Mechanism is to return to full at-office staffing at all duty stations as soon as possible, while managing health and safety risks caused by the COVID-19 pandemic.

Policies, guidelines and procedures were established to protect staff and stakeholders

31. The Mechanism established policies, guidelines and procedures to protect the health and safety of its staff and stakeholders. These included: policy on hand hygiene and distancing when on premises; guidelines to staff on what to do in a number of COVID-19 scenarios; standard operating procedures for the coordinated response of security and safety service and medical unit in the event of a suspected COVID-19 case in the premises; COVID-19 pandemic related safety measures for the Mechanism's court proceedings; witness safety protocol; and policy on access to Mechanism premises for travellers.

Vaccination arrangements for staff and dependents at the Mechanism duty stations were satisfactory

32. In December 2020, the Secretary-General reached out to Member States to include United Nations personnel and their dependents serving within their borders in their national vaccination programmes. However, in countries where the vaccination of United Nations personnel and dependents will not be possible, the Secretary-General requested the Department of Operational Support (DOS) to organize a vaccination roll out in close coordination with Resident Coordinators and Heads of Entities, amongst others.

33. At the time of the audit, the Mechanism's staff members and dependents based in three of its four duty stations had commenced their vaccinations through the Host Countries' national vaccination programmes. The Mechanism either coordinated with the Host Countries or the respective United Nations Country Teams (UNCTs) to facilitate the vaccination of Mechanism staff based in these three duty stations. The UNCT in a fourth Member State was coordinating with DOS for the roll-out of vaccinations to all United Nations staff and their dependents based in the country, including the Mechanism's staff and their dependents. On 3 June 2021, IRMCT informed staff that 1,500 shots from the United Nations' global vaccination framework were allocated for staff and dependents in that country. Staff were accordingly advised to register for the vaccinations.

Need to provide staff counselling services

34. The DHMOSH checklist for COVID-19 preparedness and response for all duty stations requires the development of a psychosocial support plan for United Nations personnel.

35. The Mechanism did not have a staff counsellor to support its staff during the pandemic. Previously, the Mechanism shared a staff counsellor with another international organization until the incumbent resigned from that organization. The Mechanism tried to recruit a staff counsellor for Arusha

but failed due to inadequate responses to the job vacancy. The Mechanism now does not have the budget provision to recruit a fulltime staff counsellor.

36. The Mechanism's Chief of Human Resources explained that alternative psychosocial support arrangements were established. This included regular broadcasting of wellness information and obtaining services from Cigna Health Insurance for mental health support for staff. Efforts were underway to arrange for staff welfare officer with other international organizations on cost-sharing basis.

(3) IRMCT should provide appropriate counselling services to support the psychological wellbeing of its staff

IRMCT accepted recommendation 3. Recommendation 3 remains open pending receipt of evidence of action taken to provide appropriate counselling services to Mechanism staff.

IV. ACKNOWLEDGEMENT

37. OIOS wishes to express its appreciation to the management and staff of IRMCT 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 response of the International Residual Mechanism for Criminal Tribunals to the COVID-19 pandemic

Rec. no.	Recommendation	Critical ¹ / Important ²	C/ O ³	Actions needed to close recommendation	Implementation date ⁴
1	IRMCT should develop business continuity plans and ensure that key actors involved in planning, preparation and coordination go through simulation exercises to assure adequate preparedness.	Important	O	Receipt of the business continuity plans and evidence of simulation exercises to strengthen preparedness.	30 September 2022
2	IRMCT should ensure that lessons learned are systematically documented and used to improve its response measures and resilience to disruptive events.	Important	O	Receipt of the lessons learned document.	31 March 2022
3	IRMCT should provide appropriate counselling services to support the psychological wellbeing of its staff.	Important	O	Receipt of evidence of action taken to provide appropriate counselling services to Mechanism staff.	31 March 2022

¹ Critical recommendations address those risk issues that require immediate management attention. Failure to take action could have a critical or significant adverse impact on the Organization.

² Important recommendations address those risk issues that require timely management attention. Failure to take action could have a high or moderate adverse impact on the Organization.

³ Please note the value C denotes closed recommendations whereas O refers to open recommendations.

⁴ Date provided by IRMCT in response to recommendations.

APPENDIX I

Management Response

Management Response

Audit of the response of the International Residual Mechanism for Criminal Tribunals to the COVID-19 pandemic

Rec. no.	Recommendation	Critical ¹ / Important ²	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
1	IRMCT should develop business continuity plans and ensure that key actors involved in planning, preparation and coordination go through simulation exercises to assure adequate preparedness.	Important	Yes	Director of Administration	30 September 2022	
2	IRMCT should ensure that lessons learned are systematically documented and used to improve its response measures and resilience to disruptive events.	Important	Yes	Administrative Officer	31 March 2022	
3	IRMCT should provide appropriate counselling services to support the psychological wellbeing of its staff.	Important	Yes	Chief, Human Resources	31 March 2022	

¹ Critical recommendations address those risk issues that require immediate management attention. Failure to take action could have a critical or significant adverse impact on the Organization.

² Important recommendations address those risk issues that require timely management attention. Failure to take action could have a high or moderate adverse impact on the Organization.