



INTERNAL AUDIT DIVISION

REPORT 2020/060

Audit of management of translation and interpretation services at the International Residual Mechanism for Criminal Tribunals

The Mechanism needs to strengthen existing arrangements to ensure timely translation of judicial records, judgements and decisions

21 December 2020

Assignment No. AA2020-261-01

Audit of management of translation and interpretation services at the International Residual Mechanism for Criminal Tribunals

EXECUTIVE SUMMARY

The Office of Internal Oversight Services (OIOS) conducted an audit of management of translation and interpretation services at the International Residual Mechanism for Criminal Tribunals (IRMCT). The objective of the audit was to assess the efficiency and effectiveness of translation and interpretation services at the Mechanism. The audit covered the period from January 2019 to August 2020 and included a review of risk areas relating to: (a) operational planning; and (b) performance monitoring.

The audit indicated that IRMCT needs to strengthen existing arrangements to ensure timely translation of judicial records, judgements and decisions.

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

- Establish performance monitoring tools to ensure timely delivery of translation services;
- Ensure that appropriate priority levels of translation requests, as well as newly agreed deadlines with the clients, are reflected in the translation tracking system;
- Prepare a realistic action plan for completion of translation backlogs on judgements and decisions rendered by the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda and monitor the progress achieved; and
- Develop mechanisms to systematically obtain feedback from clients on its interpretation and translation services to identify areas for improvement.

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

CONTENTS

I. BACKGROUND	1
II. AUDIT OBJECTIVE, SCOPE AND METHODOLOGY	1
III. AUDIT RESULTS	1-5
A. Capacity and operational planning	1-2
B. Performance monitoring	2-5
IV. ACKNOWLEDGEMENT	5
ANNEX I	Status of audit recommendations
APPENDIX I	Management response

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I. BACKGROUND

1. The Office of Internal Oversight Services (OIOS) conducted an audit of management of translation and interpretation services at the International Residual Mechanism for Criminal Tribunals (IRMCT).
2. The Security Council established the Mechanism in 2010 as an international court to take over the remaining functions of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) after completion of their mandates. The Mechanism consists of three organs: (a) Chambers; (b) Office of the Prosecutor; and (c) Registry. It has two branches located in Arusha, Tanzania and The Hague, Netherlands.
3. In accordance with its Statute, the Mechanism provides interpretation and translation services for judicial activities in the working languages of the court and languages of the accused and other persons appearing before the court. This is done through the Language Support Service (LSS) under Registry. LSS also provides support for all other language requirements of the Mechanism. LSS' non-post budgets for 2019 and 2020, which include court reporting services, were \$565,300 and \$1,075,900, respectively. It had 51 posts (40 in The Hague and 11 in Arusha). LSS at each of the two locations was headed by P-4 staff.
4. Comments provided by IRMCT are incorporated in italics.

II. AUDIT OBJECTIVE, SCOPE AND METHODOLOGY

5. The objective of the audit was to assess the efficiency and effectiveness of translation and interpretation services at the Mechanism.
6. This audit was included in the 2020 risk-based work plan of OIOS due to the risk that potential inadequacies in these services could have an adverse impact on the achievement of IRMCT's objectives.
7. OIOS conducted this audit from August to October 2020. The audit covered the period from January 2019 to August 2020. Based on an activity-level risk assessment, the audit covered risks areas which included: (a) capacity and operational planning; and (b) performance monitoring.
8. The audit methodology included: (a) interviews with key personnel; (b) review of relevant documentation; (c) analytical review of data; and (d) judgmental sample testing of translations.
9. The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.

III. AUDIT RESULTS

A. Capacity and operational planning

There was a backlog in translation of judgements and decisions

10. According to the Mechanism's policy on interpretation (MICT/18), LSS should service all courtroom hearings in English, French, and languages of the accused or convicted persons. In addition,

LSS is required to service all plenary sessions, deliberations, diplomatic seminars, and meetings of the President, Prosecutor and Registrar.

11. LSS had operational planning mechanisms in place for interpretation and translation services. Planning was based on projected judicial activities and court calendars. For translation, the planning and budgeting process considered the workload of judgements and decisions rendered by the Mechanism and the former ICTY and ICTR. LSS used the Translation Tracking System (TTS) to record translation requests and monitor progress of execution.

12. Of the 40 LSS staff in The Hague, 7 were in-house interpreters. LSS prepared a monthly courtroom calendar for interpreters according to annual projected judicial activities. In addition, freelance interpreters were hired whenever in-house resources were not adequate, as in the following cases: (a) when additional court sittings took place; (b) when an in-house interpreter is sick; and (c) other meetings of Mechanism officials needed to be conducted. The Hague branch facilitated interpretation on 84 courtroom days and 10 other meetings during the period January 2019 and March 2020. Interpreters also provided translation services when not occupied with interpretation engagements. On the other hand, LSS in Arusha hired freelance interpreters for courtroom activities since the branch did not have them in-house. Also, translators provided interpretation services whenever possible to maximizing their productivity.

13. LSS in The Hague and Arusha had 23 and 7 posts for translators/revisers, respectively. There was a backlog in translation of judgements and decisions rendered by ICTY and ICTR, but no action plan had been prepared to address the issue. LSS attributed the backlog to inadequate resources due to budget cuts during the 2018-2019 biennium. This issue is discussed in further detail later in the present report.

B. Performance monitoring

Need to improve the performance monitoring tools for translations

14. The Mechanism’s Statute requires the Registrar to complete translations in a timely manner. Table 1 shows the Mechanism’s translation activities and success criteria according to the work plans for 2018-19 and 2019-20 to support the strategic priorities of the Registry.

Table 1: Registry’s 2018-19 and 2019-20 work plans for translation

	Activities	Success criteria
1.	Providing language services in support of the continuous and ad hoc functions of the Mechanism, particularly with respect to ongoing judicial cases.	90 per cent of translations of judicial documents meet the agreed deadlines, with quality and productivity maintained and translation output levels in accordance with United Nations norms, and to the extent possible given existing resources.
2.	Translate the last judgements of the former criminal tribunals for Rwanda and Yugoslavia which remain to be translated (legacy judgements).	Translations meet the agreed deadlines, with quality and productivity maintained and translation output levels in accordance with United Nations norms, and to the extent possible given existing resources.

15. The Mechanism had a significant backlog of translation work. As of 16 September 2020, LSS in The Hague and Arusha had a total of 37,478 pages which were overdue for translation. The work related to the period 2013 to August 2020. Notably, 18,202 pages of these (or 49 per cent) had been classified as ‘high priority’ (category priority 1). This category included Chambers’ decisions or orders, of which the majority were either legacy documents or pending translation into the official language which was not the language of the proceedings. OIOS noted that for 5,906 pages with ‘high priority’ (including judgements),

the deadlines were prior to January 2019. Furthermore, ICTR legacy judgements which were yet to be initiated for translation had not been recorded in TTS. Instead, the Mechanism maintained a separate list of ICTR legacy judgements to track their translation backlog.

16. LSS was not meeting the original deadlines that were agreed with clients for translation jobs. OIOS' review of 76 out of 151 (or 50 per cent) jobs showed that they were not completed within the deadlines indicated in TTS. The delays ranged from 31 to 1,435 days in 50 out of the 76 delayed jobs. Heavy backlog was noted in the French Translation Unit in The Hague which was supporting the English-to-French translations for The Hague and Arusha branches, and the LSS-Arusha branch which translates from and into Kinyarwanda. LSS stated that the longer delays relate to translation of legacy documents which had to be interrupted to accommodate more urgent requirements. LSS also stated that clients were informed of impending delays to agree on new deadlines, but these changes were not consistently reflected in TTS.

17. The assigned priorities for translation were not always followed. For example, lower priority jobs such as those with priority status II to IV were, in some cases, completed before those with higher priority. Heads of LSS in both branches explained that case-specific operational requirements can often influence the order of processing translation requests from clients. Further, urgent non-judicial translation requests including from the Principals of the Mechanism had to be prioritized for translation.

18. LSS provided various reasons for the significant delays in completion of translation jobs. In addition to elements mentioned above, LSS indicated the following:

(a) Delayed approval of the Mechanism's 2018-2019 budget brought uncertainty to the various activities of the Mechanism, including translation services. The 2018-2019 approved budget resulted in significant cuts to LSS' appropriation, including 70 per cent of the non-post element in both branches. Therefore, the plan to clear the backlog in Kinyarwanda judgements by the end of 2021 needed to be set aside because translation support to ongoing judicial proceedings and activities was of higher priority.

(b) Higher demand for translation in cases which were unforeseen at the time of budget preparation could not be included in Registry's work plans. Examples of such instances were translation of documents for a review case, and a large-scale contempt of court case in Arusha which started in 2018.

(c) Budget limitations made it necessary for the Mechanism to operate a lean structure with either zero growth or further cuts from the approved budget of the previous biennium.

(d) Deadlines were frequently affected by requesters' shifting priorities.

19. There were inadequacies in the tools used for performance monitoring. Although TTS showed the agreed deadlines and completion dates, the system did not produce reports that compared actual performance with agreed milestones, because these requirements were not considered during system design. TTS was originally designed for use of ICTY court management and support section to keep track of and avoid duplication of translation requests.

20. Delays in translation jobs could have an adverse impact on the effectiveness of the Mechanism's operations. The Mechanism needs to develop an action plan within the limits of its budgetary situation to address the backlog in translation work, with due consideration for prioritizing translation for ongoing judicial activities.

<p>(1) IRMCT should establish performance monitoring tools to ensure timely delivery of translation services.</p>
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IRMCT accepted recommendation 1 and stated that all operationally critical translations are delivered as requested, and that no delays in judicial proceedings or day-to-day operations can be attributed to translation. No modifications to the TTS software are realistically possible, and a workaround solution will be sought to address the recommendation, with the proviso that the result cannot unduly add to the workload of support staff for LSS, who are already operating at maximum capacity and will be further downsized in 2021. The Mechanism received news of significant cuts proposed to its 2021 budget submission, which are still under review. Recommendation 1 remains open pending receipt of evidence of the performance monitoring tools established to ensure timely delivery of translation services.

(2) IRMCT should ensure that appropriate priority levels of translation requests, as well as newly agreed deadlines with the clients, are reflected in the translation tracking system.

IRMCT accepted recommendation 2 and stated that all critical translation requirements are being met and will ensure that agreed deadlines are consistently recorded in TTS from 1 January 2021. Setting priority levels for requests according to the Translation Policy, which will remain in force, is the responsibility of client sections/parties and depends on their requirements. It is impossible to eliminate instances when operational needs change after a request has been submitted, and limited resources need to be reallocated according to shifting priorities. The Mechanism notes that it does not have the resources to retroactively amend or record pending legacy requests. Recommendation 2 remains open pending receipt of evidence that appropriate priority levels of translation requests and newly agreed deadlines with clients are reflected in TTS from 1 January 2021.

(3) IRMCT should prepare a realistic action plan for completion of translation backlogs on judgements and decisions rendered by ICTY and ICTR and monitor the progress achieved.

IRMCT accepted recommendation 3 and stated that successful execution of any plan to address the backlog of ICTY and ICTR documents will entirely depend on available funding. In a continuing environment of zero-growth or reduced budgets where current judicial activity needs to be prioritized, addressing the backlog in a realistic way can likely only proceed after the completion of ongoing major judicial activities, including the two ongoing cases in Arusha branch. A plan for the backlog of judgements can be formulated upon approval of the 2021 budget submission, using it as a basis. A plan to address the backlog of decisions would follow clearance of the judgment backlog. Recommendation 3 remains open pending receipt of an action plan for completion of the backlog in translation of judgements and decisions rendered by ICTY and ICTR.

Need to regularly conduct client surveys for feedback on service delivery

21. LSS in both branches were not obtaining client feedback through surveys on the services provided. OIOS was informed that discussions were held on exploring the possibility of conducting client surveys.

22. Obtaining client feedback on the services provided is essential to enable lessons learned and identify opportunities for improvements in service delivery.

(4) IRMCT should develop mechanisms to systematically obtain feedback from clients on its interpretation and translation services to identify areas for improvement.

IRMCT accepted recommendation 4 and stated that LSS is engaged in regular contact with its clients to ensure requirements are met and that it receives feedback on service delivery. The Mechanism will ensure that LSS reaches out to clients systematically. Recommendation 4 remains open pending

receipt of evidence that mechanisms have been established to systematically obtain feedback from clients on interpretation and translation services.

Measures were taken to mitigate risks arising from the COVID-19 pandemic

23. The Registry took measures to ensure continuity of provision of courtroom interpretation services during the COVID-19 pandemic. To protect the health and safety of interpreters, the Mechanism installed additional booths in the courtroom in The Hague and glass separators in existing booths in the Arusha courtroom. IRMCT stated that these measures contributed to the successful resumption of hearings held in both branches from August 2020.

IV. ACKNOWLEDGEMENT

24. 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
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Office of Internal Oversight Services

STATUS OF AUDIT RECOMMENDATIONS

Audit of management of translation and interpretation arrangements at the International Residual Mechanism for Criminal Tribunals

Rec. no.	Recommendation	Critical ¹ / Important ²	C/ O ³	Actions needed to close recommendation	Implementation date ⁴
1	IRMCT should establish performance monitoring tools to ensure timely delivery of translation services.	Important	O	Receipt of evidence of the performance monitoring tools established to ensure timely delivery of translation services.	31 March 2022
2	IRMCT should ensure that appropriate priority levels of translation requests, as well as newly agreed deadlines with the clients, are reflected in the translation tracking system.	Important	O	Receipt of evidence that appropriate priority levels of translation requests and newly agreed deadlines with clients are reflected in TTS from 1 January 2021.	30 June 2021
3	IRMCT should prepare a realistic action plan for completion of translation backlogs on judgements and decisions rendered by ICTY and ICTR and monitor the progress achieved.	Important	O	Receipt of an action plan for completion of the backlog in translation of judgements and decisions rendered by ICTY and ICTR.	30 September 2021
4	IRMCT should develop mechanisms to systematically obtain feedback from clients on its interpretation and translation services to identify areas for improvement.	Important	O	Receipt of evidence that mechanisms have been established to systematically obtain feedback from clients on interpretation and translation services.	30 June 2021

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 management of translation and interpretation arrangements at the International Residual Mechanism for Criminal Tribunals

Rec. no.	Recommendation	Critical ¹ / Important ²	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
1	IRMCT should establish performance monitoring tools to ensure timely delivery of translation services.	Important	Yes	The respective Heads of LSS at the two branches	31 March 2022	<p>First, the Mechanism reiterates that all operationally critical translations are delivered as requested and that no delays in judicial proceedings or day-to-day operations can be attributed to translation.</p> <p>The Mechanism further notes that no modifications to the TTS software are realistically possible to include functionality such as described by OIOS. A workaround solution will be sought to address the recommendation, with the proviso that the result cannot unduly add to the workload of LSS support staff, who are already operating at maximum capacity and will be further downsized in the course of 2021.</p> <p>In view of the recent news of significant cuts proposed to the Mechanism's 2021 budget submission, which are still under review at the time of writing, the caveat about the prioritisation of implementation in this case being dependent on available resources gains significant additional relevance.</p>

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.

Management Response

Audit of management of translation and interpretation arrangements at the International Residual Mechanism for Criminal Tribunals

Rec. no.	Recommendation	Critical ¹ / Important ²	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
2	IRMCT should ensure that appropriate priority levels of translation requests, as well as newly agreed deadlines with the clients, are reflected in the translation tracking system.	Important	Yes	The respective Heads of LSS at the 2 branches	30 June 2021	As above, the Mechanism notes that all critical translation requirements are being met. The Mechanism will ensure that agreed deadlines are consistently recorded in TTS per 1 January 2021. Setting priority levels for requests according to the Translation Policy, which will remain in force, is the responsibility of client sections/parties and depends on their requirements. The Mechanism notes that it is impossible to eliminate instances when operational needs change after a request has been submitted and that limited resources need to be reallocated according to shifting priorities. The Mechanism further notes that it does not have the resources to retroactively amend or record pending legacy requests.
3	IRMCT should prepare a realistic action plan for completion of translation backlogs on judgments and decisions rendered by ICTY and ICTR and monitor the progress achieved.	Important	Yes	Heads of LSS at the two branches	30 September 2021	The Mechanism notes that successful execution of any plan to address the backlog of ICTY and ICTR documents will entirely depend on available funding. The Mechanism further notes that in a continuing environment of zero-growth or reduction budgets where current judicial activity needs to be

Management Response

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Rec. no.	Recommendation	Critical ¹ / Important ²	Accepted? (Yes/No)	Title of responsible individual	Implementation date	Client comments
						<p>prioritised, addressing the backlog in a realistic way can likely only proceed after the completion of ongoing major judicial activities, including the <i>Turinabo et al.</i> and <i>Kabuga</i> cases.</p> <p>A plan for the backlog of judgments can be formulated upon approval of the 2021 budget submission, using it as a basis.</p> <p>A plan to address the backlog of decisions would follow clearance of the judgment backlog.</p> <p>Management note that this recommendation refers strictly to the preparation of a plan, not its implementation.</p>
4	IRMCT should develop mechanisms to systematically obtain feedback from clients on its interpretation and translation services to identify areas for improvement.	Important	Yes	Heads of LSS at the two branches	30 June 2021	The Mechanism notes that LSS is engaged in regular contact with its clients to ensure requirements are met and that it receives feedback on service delivery. The Mechanism will ensure that LSS reaches out to clients systematically.