


**Fifteenth session**

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**Audit report of the *ReVision* project of  
the International Criminal Court's Registry\***
*Contents*

I.	Objectives and scope of the audit .....	2
II.	List of recommendations.....	2
III.	Observations 2	
A.	General design of the <i>ReVision</i> project .....	2
1.	Outline of the project.....	2
2.	Basis for the project.....	4
3.	Compliance with deadlines.....	4
4.	Project Board.....	5
5.	Project team.....	5
6.	Structuring of project phases .....	6
B.	Final report of June 2015 and organisational changes to the Registry already implemented.....	8
1.	Strengths arising from the final report of June 2015 .....	8
2.	Points for improvement .....	10
C.	Method recommendations that have yet to be applied.....	12
1.	Method recommendations .....	12
2.	Attempts to apply these recommendations .....	13
D.	The cost of the project and its staffing and budget implications.....	14
1.	The direct cost of the project .....	14
2.	The cost of the job abolition.....	14
3.	Impact on staff numbers .....	16
4.	Budget implications.....	18
5.	The indirect savings calculated by the Registry .....	19
IV.	Conclusion .....	20
V.	Acknowledgements.....	20
Annex:	Objectives and scope of the project, as set out in the scope statement of 28 January 2014 .....	21

\* Cour des Comptes reference: ICC-2016-4.

## I. Objectives and scope of the audit

1. The Assembly of States Parties (ASP) of the International Criminal Court (ICC) asked the External Auditor, via its resolution of 26 November 2015<sup>1</sup>, to conduct a “full audit of the *ReVision* programme, including its cost, impact and implementation”.
2. The External Auditor incorporated this topic into his 2016 programme; an exploratory audit was carried out by two members of the external audit team on 28 and 29 April 2016, followed, in accordance with its notification letter of 27 July 2016, by a performance audit of the *ReVision* project, undertaken by four members of the team from 19 to 30 September 2016.
3. The External Auditor reviewed the various stages of the project from design through to implementation of part of the proposed reforms, between publication of the final report drawn up on 23 June 2015 by the project team and September 2016.
4. He sought to assess the compliance, efficiency and effectiveness of the approach followed and the measures adopted pursuant to the final report.
5. The audit was conducted in accordance with the International Standards of Supreme Audit Institutions (ISSAI) on regularity and performance audits, as well as with the Financial Rules and Regulations of the International Criminal Court and with the additional terms of reference in annex.

## II. List of recommendations

**Recommendation 1.** The External Auditor recommends that the final report of the *ReVision* project be published and disseminated to staff, excluding confidential information on individual staff members.

**Recommendation 2.** The External Auditor recommends that the Registrar put in place standard operating procedures and digital workflows to help staff understand the new working methods to be applied within the Registry’s structures as reorganised by the project.

**Recommendation 3.** If the definition of new working methods requires outside assistance, the External Auditor recommends that the requisite firm of consultants or specialists be selected following a competitive bidding process compliant with ICC rules.

**Recommendation 4.** The External Auditor recommends that the Registrar publish a memorandum for the attention of the States Parties explaining the precise impact on the ICC’s workforce and budget of the relocation to new premises and the increase in judicial activity.

## III. Observations

### A. General design of the *ReVision* project

#### 1. Outline of the project

6. The *ReVision* project was launched by the ICC’s Registrar, Herman von Hebel, shortly after he was elected by the judges of the Court on 8 March 2013<sup>2</sup>. On 27 November 2013, he secured authorisation from the Assembly of States Parties (ASP) to “reorganise and rationalise the structure of the Registry” while remaining within the “approved 2014 programme budget and the maximum number of permanent and approved posts”. This authorisation was renewed on 17 December 2014, still within the confines of the 2015 programme budget and the maximum number of permanent and approved posts.

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<sup>1</sup> ICC/ASP/14/Res.1

<sup>2</sup> The Registrar is elected by the judges “taking into account any recommendation by the Assembly of States Parties” (Article 43.4 of the Rome Statute of the International Criminal Court).

7. The number of approved permanent posts was the same for 2014 and 2015 [560.4<sup>3</sup> full time equivalent (FTE), broken down into 495 permanent posts<sup>4</sup> and 65.5 temporary posts]; the approved programme budget for the Registry was reduced slightly between 2014 (€65,684.9k) and 2015 (€65,025.9).

8. Furthermore, two requests initially put forward by the ASP in 2013 were removed from the authorisation granted by it in 2014:

(a) That relating to a 3% saving to be made relative to the approved 2014 budget; and

(b) That to “initiate strategic dialogue between the organs (of the ICC) with a view to eliminating duplication, increasing efficiency and effectiveness and creating synergies.”

9. The Assembly’s authorisation includes no specific indication as to how the cost of the project should be financed. The restructuring was carried out based on the assumptions of the 2015 budgetary and workload levels. The Committee on Budget and Finance, at its resumed twenty-fourth session, “took note that any additional workload or other requirements that were not included in the 2015 approved budget are not part of the ReVision exercise and need to be treated separately.”<sup>5</sup>

10. In January 2014, the Registrar appointed a *ReVision* project team consisting of three outside individuals experienced in working with international jurisdictions and five members of Registry staff, rising to nine in November 2014, together with a Project Board tasked with monitoring the work of this team and, in particular, authorising the project to transition from one phase to the next.

11. This Project Board, chaired by the Registrar himself, had seven members in total: four representatives of the Registry’s users (the ASP, the Presidency and Chambers of the Court, the Office of the Prosecutor and a defence lawyer), the President of the ICC’s Staff Union and two outside individuals experienced in working with international jurisdictions and their registries.

12. The project was divided into six phases, based on the model of the British PRINCE2 project management method<sup>6</sup>:

(a) Phase 1, ‘Project inception’, included the formation of the aforementioned team and Board and the preparation of terms of reference and an overall project plan;

(b) Phase 2, ‘Registry Foundation and Organisational Design’, consisted of a review of existing documentation, the creation and use of a questionnaire aimed at all staff, a review of the Registry’s functions and structure and a proposal for an alternative organisational structure;

(c) Phase 3, ‘Immediate Change Measures’, aimed to present recommendations for urgent reforms that could be implemented by the Registrar without any structural changes throughout the lifespan of the project; a series of recommendations were put forward in this regard;<sup>7</sup>

(d) Phase 4, ‘Functions Performance Review’, consisted of a review of the performance of each section of the Registry and the presentation of proposed measures to improve performance; during this phase, 18 detailed reports and 539 recommendations were put forward covering all functions of the Registry; and

(e) Phase 5, ‘Project Closing’, included the publication of a final report and a project implementation roadmap.

<sup>3</sup> Some documents indicate 561.4 jobs. The difference between this figure and that of 560.4 cited in the Registrar’s full August 2016 report on the project is attributable to the position of Staff Council, the holder of which has an administrative reporting line to the Registrar but is not a civil servant working for the Registrar.

<sup>4</sup> Article 4.5 of the Staff Regulations make a distinction between “fixed-term” and “short-term” staff (referred to here as “temporary”). Both types of contracts may be renewed.

<sup>5</sup> Official Records ... Fourteenth session ... 2015 (ICC-ASP/14/20), vol. II, part B.2, para 10, emphasis added.

<sup>6</sup> The PRINCE2 (Projects in Controlled Environments) method, derived from the PROMPT method created by Simpart Systems Ltd., was developed by the former UK Office of Government Commerce. It emphasises dividing projects into phases and establishing quality control to reduce risks inherent in projects during implementation.

<sup>7</sup> These recommendations, cited in the project team’s final June 2015 report, concern principles and procedures applicable to decisions resulting from the project, measures to be adopted to implement the document produced by the project team on the ‘Vision, mission and values of the Registry’, recentralisation of the management of budget implementation in certain areas and an acceleration in procedures for adopting administrative instructions.

13. The design of the project calls for the observations set out below, formulated after hearing from many individuals who, while their opinions on the project sometimes differed greatly, were generally in agreement on the facts.

## 2. Basis for the project

14. **There were two justifications for launching a project to reorganise the ICC's Registry, one technical and one political.**

15. At the technical level, the *ReVision* project was preceded by a number of reports recommending the implementation of certain reforms in accordance with guidelines taken up by the project:

(a) The Report of the Court on the enhancement of the Registry's field operations for 2010 (ICC-ASP/8/33), dated 4 November 2009;

(b) The risk assessment audit of field operations undertaken by Reg Crawford and Jean Brantschen (experts from outside the ICC), dated 14 December 2009;

(c) The audit of the operational structure of the Registry's field offices, dated 31 May 2010, undertaken by the ICC's Office of Internal Audit ;

(d) The report on the review of field operations (ICC-ASP/9/12), dated 30 July 2010;

(e) The Report of the Court on the field operations strategy (ICC-ASP/10/26), dated 17 November 2011;

(f) The final report by PricewaterhouseCoopers (PwC) on the ICC's organisational structure, dated 6 September 2013;

(g) The Report of the Court on the organisational structure (ICC-ASP/13/16), dated 23 May 2014; and

(h) Various reports of the Committee on Budget and Finance (e.g. ICC-ASP/7/20, ICC-ASP/10/20 and ICC-ASP/12/20).

16. These various reports recommended that the role of the Registry's field office chiefs and their coordination structure be strengthened, and, in the case of the PwC audit, which covered the whole of the ICC, that the Registry's structure be reorganised to reduce the number of departments reporting directly to the Registrar and increase the use of delegated authority. They were not focused on all aspects of Registry's management structure.

17. At the political level, the election of the Registrar was preceded by a campaign during which the candidates shared their programmes: the candidate subsequently elected by the judges, following an opinion from the States Parties, had announced plans to reorganise the Registry. The States Parties were in favour of a project that would optimise the Registry's operations and hopeful that budget savings would be made.

## 3. Compliance with deadlines

18. In accordance with the project's terms of reference<sup>8</sup>, **the deadlines laid down for the end of each phase were met**: the first quarter of 2014 for the first phase, June 2014 for the second phase, March 2015 for the fourth phase and 13 July 2015 for the official closure of the project – very shortly after June 2015, the planned end date of the fifth phase, with the final report submitted on 23 June 2015. As indicated above, the third phase continued throughout the lifespan of the project.

19. **It should, however, be noted that the project implementation roadmap put forward during the final phase has not yet been fully implemented**: the Registry's management team held a seminar on 6 and 7 July 2015 focusing on project implementation possibilities, but no overall project implementation plan or section implementation plans have been published to date (see above the detailed explanations set out in closing step of the project).

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<sup>8</sup> Cf. the document '*ReVision* Project Brief', adopted on 28 January 2014.

#### 4. Project Board

20. **The Project Board was well thought out:** in particular, it included representatives of all the Registry's 'clients' (the ASP, the Presidency<sup>9</sup> and the Office of the Prosecutor and the defence<sup>10</sup>) and the staff, through the President of its Staff Union Council<sup>11</sup>.

21. This latter point is in keeping with the recommendation put forward in PwC's audit report that the Staff Union should be more involved in preparing for strategic decisions.

22. It should, however, be noted that the Project Board's members were appointed by the Registrar, who chaired the Project Board, in consultation with the relevant superiors of the prospective members (notably the President, the Prosecutor and the Vice-President of the ASP), and not designated by the Registry's 'clients', thus reducing the Project Board's independence from the Registry.

23. The Project Board duly gave its agreement for the project to transition from each phase to the next.

#### 5. Project team

24. The task of carrying out an audit of the structures and methods of an international organisation is generally entrusted either to existing staff, divided into specialised working groups whose recommendations are submitted to a number of consultative bodies and subsequently to the organisation's line management<sup>12</sup>, or to an external audit or management consulting firm selected on the basis of a statement of requirements and a request for proposals.

25. The Registrar opted for a hybrid formula combining a small number of staff members and three outside individuals, inspired by many examples where advice on the setting up of a system of international justice is sought from external experts. These experts were recruited onto part-time contracts with no prior definition of role profiles, no call for applications and no selection procedure, on grounds of urgency.

26. Article 44.2 of the Rome Statute stipulates that "*the Prosecutor and the Registrar shall ensure the highest standards of efficiency, competency and integrity, and shall have regard, mutatis mutandis, to the criteria set forth in article 36, paragraph 8*"<sup>13</sup>.

27. Article 4.3 of the Court's Staff Regulations provides that "selection shall normally be made on a competitive basis", and the ASP resolution of 12 September 2003 (ICC-ASP/2/Res. 2)<sup>14</sup> stipulates that a selection Board should be used.

28. **The Registrar did not follow the usual selection procedure on grounds of urgency to start the project because that procedure takes at least six months to complete, and would thus have delayed the project's launch and the possibility to present quickly the results to ASP. In light of the project's duration (a year and a half), the urgency invoked must be seen in its proper perspective. Spending more time on defining role profiles would have made it possible to construct a more rounded team.**

29. The three outside individuals had experience with international jurisdictions and their registries<sup>15</sup>, but neither particular expertise in certain areas such as the management of

<sup>9</sup> The Presidency, which is a specific organ of the ICC distinct from the Chambers, includes the President and the two Vice-Presidents.

<sup>10</sup> The defence consists of lawyers who defend the accused before the ICC. It ensures that cases are handled fairly, faced with the substantial powers of the Office of the Prosecutor and the victims' lawyers.

<sup>11</sup> The Staff Union is the "staff representative body" laid down in Article 108.1 of the ICC Staff Rules.

<sup>12</sup> This was the model adopted by the OECD when it sought to make operational savings (the 'Value for Money' project, which ran from October 2013 to June 2014). However, the purpose of this exercise was less ambitious than that of the *ReVision* project and did not include any workforce cuts.

<sup>13</sup> Article 36, paragraph 8, which, concerning the judges, stipulates the need to take into account the diversity seen in the principal legal systems of the world, equitable geographical representation and a fair representation of male and female judges.

<sup>14</sup> The administrative instruction of 20 February 2015 replaced this procedure with a Selection Review Board.

<sup>15</sup> Two of them had worked within the registries of a number of international courts and the third had worked as a lawyer specialising in staff matters arising at the ILO's administrative court and the United Nations Dispute Tribunal.

finances, and human resources, nor audit experience. These shortcomings were overcome via the choice of ICC staff members assigned to the project team for example, the team included civil servants skilled in the digital processing of evidence and in human resources management.

30. These factors aroused criticism among ICC staff, who were surprised to see sections being analysed by certain of their colleagues with no experience in the area in question. These criticisms are unconvincing as in accordance with the Project plan, the team should be supported by the internal expertise of the sections for technical issues. As a matter of fact, one of the section chiefs questioned as part of this audit said that he was, on the contrary, very satisfied with the recommendations issued following a very long consultation with members of the *ReVision* team who had no particular knowledge of his activities. He had clearly succeeded in convincing those team members to adopt those guidelines he considered desirable<sup>16</sup>.

31. A decision to choose one of the other two methods referred to above would have avoided this type of criticism:

(a) Having all Registry civil servants work on a project designed to generate savings would have avoided criticisms aimed at a small team of colleagues; and

(b) Calling on an external audit or management consulting firm, following a competitive tender process, would have avoided any *a priori* disputes over the expertise of the auditors or consultants and made it possible to gain input from all required categories of expert, as specified in the statement of requirements that formed the basis of the request for proposals preceding their selection.

32. This second solution would clearly have been better suited to a project as ambitious as *ReVision*, whose terms of reference laid down a wide-ranging scope and objectives<sup>17</sup>. It would probably have been at least as expensive as the solution selected<sup>18</sup>, and it would have been conceivable to proceed in phases and to ask the firm to focus initially on priority matters such as the management of field offices and reducing direct reporting lines to the Registrar, before then expanding the brief (or launching a separate competitive tender process) to reform other areas.

## 6. Structuring of project phases

33. The project drew on the PRINCE2 method; however, its organisation calls for a number of observations.

34. The first phase of the project consisted of drawing up terms of reference. The terms of reference were not published but a redacted version of this document, taking out any potentially confidential material, was made available to all staff.

35. The project was elaborated upon in town hall meetings with staff. On 18 July 2014, the Registrar announced to all staff the new three-pillar structure of the Registry at such a town hall meeting. Furthermore, a dedicated intranet page, accessible to all staff, was also created and was regularly updated. The intranet page also included the possibility of sending anonymous feedback, questions or concerns to the *ReVision* team.

36. The judges were regularly informed and updated about the project. A meeting took place with the judges when the project was officially launched and a meeting took place with the judges, on 15 July 2014, where the Registrar presented the new high-level structure of the Registry. Furthermore, the Presidency of the Court was regularly kept abreast of project progress by the Registrar at numerous meetings.

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<sup>16</sup> The role of a consulting firm, moreover, is often to implement planned reforms that have been thought up internally.

<sup>17</sup> See the project's objectives and scope, set out in the annexes.

<sup>18</sup> The PwC audit cost €155,745, much less than the *ReVision* project (around €1,075,500 for the salaries of the project team, the specialists who completed the job classification and calculated severance benefits, and the external consultant), but spanned a much shorter period (just over three months, from 24 October 2012 to 7 February 2013, compared with a year and half for the *ReVision* project).

37. Furthermore, the judges were consulted on the issue of merging sections of the Registry relating to defence and the protection of victims and witnesses (see below), implementation of which would have entailed amending the Court's regulations.

38. However, some of the judges complained of a lack of sufficient consultation during project implementation and criticised the consistency and relevance of certain of the project's proposals. Five of them (out of a total of 18) sent a number of collective messages of protest to the Presidency of the ICC at the end of the process on 24 June and reiterated them after the official closure of the *ReVision* Project, on 15 July and 7 September 2015, asking that the project be suspended. It should, however, be noted that the judges have no legal jurisdiction as to the management of the Registry: the Registrar performs his duties under the sole authority of the President of the Court, according to Article 43.2 of the Rome Statute of the ICC.

39. Concerning the second phase of the project, some criticisms disputed the fact that it resulted in a reorganisation of the Registry's main divisions before a detailed study of each section had been undertaken. These criticisms must be seen in their proper perspective, for the following reasons:

(a) Reducing the number of direct reporting lines to the Registrar was clearly a priority reform, whose importance had been highlighted by the PwC audit;

(b) Preparations for this reform followed a convincing approach based around a two-day seminar<sup>19</sup> that brought together the Registrar, directors and section chiefs and the project team to choose between three organisational models presented by the project team; and

(c) Most people are now satisfied with the Registry's new structure of three divisions and an office of legal affairs reporting directly to the Registrar.

40. Furthermore, the Registrar regularly informed the States Parties regarding the project evolution. Information meetings were organized for The Hague Working Group including on 15 September and 30 October 2014 and 26 May 2015. During the 24<sup>th</sup> and 25<sup>th</sup> meetings dedicated to the diplomatic corps, the Registrar informed the States Parties of the *ReVision* Project evolution. The Registrar also informed separately two regional groups in 2015: the Group of African States and the Group of Latin America and the Caribbean States. He also regularly informed the Committee on Budget and Finance on the evolution of the reorganization.

41. As part of the quality control process that is characteristic of the PRINCE2 method, a short and relevant catalogue of risks was drawn up at the outset of the project, identifying a series of risks<sup>20</sup>, some of which did indeed materialise. Some of these risks were the subject of meetings in the course of the project referred to in the final version of the catalogue, found in Annex 5 to the final report.

**42. The project team did not, however, pay enough attention to the risk that the project's recommendations were overly detailed – a risk that it had identified and which went on to materialise.**

43. It would have been desirable for the project team to have conducted a deeper self-assessment on this point<sup>21</sup> and to have referred to the Project Board for its opinion; in fact, the Board was only alerted to quality control issues when the project team realised that it needed additional resources to complete the exercise, resulting in the recruitment of six more civil servants in November 2014.

**44. The project's closing phase did not fully meet the initial objectives: instead of a roadmap setting out project implementation measures, the project team put forward an 'action plan'<sup>22</sup> which is, in fact, nothing more than a list of the project's recommendations.** The Registry's management team was not able to make up for this

<sup>19</sup> This seminar was organised shortly before the Registrar presented the new organisational structure to staff, on 18 July 2014.

<sup>20</sup> Examples include the risk of recommendations being of mediocre quality as a result of being overly detailed, the risk of underestimating the task to be achieved, the risk that the organisation might fail to understand or accept the project and the risk of setting unrealistic or insufficiently ambitious goals.

<sup>21</sup> The team proceeded to self-assessment exercises with the help of Marnet consultancy

<sup>22</sup> Cf. the 84-page Implementation Action Plan, found in Annex 9 to the project team's final report dated June 2015.

shortcoming at its seminar in early July 2015; indeed, the management team considered that many of the recommendations were too detailed for directors and section chiefs to be able to easily appropriate them.

## **B. Final report of June 2015 and organisational changes to the Registry already implemented**

45. The final report of 23 June 2015 was supplemented by a number of reports by the Registrar giving indications as to the cost of the reorganisation, its terms of implementation and its impact on staff and the budget:

(a) Report of the Registry on the outcome of the *ReVision* process (ICC-ASP/14/19), dated 15 July 2015;

(b) Presentation of the *ReVision* project by the Registrar to the Committee on Budget and Finance on that same date;

(c) Benefit-cost analysis of the Registry's reorganization submitted to the Committee on Budget and Finance for the Committee's twenty-sixth session of 18-22 April 2016;

(d) Explanation to the Committee on Budget and Finance on the role, structure and value of the External Operations Support Section in the Registry submitted to the Committee on Budget and Finance for the Committee's twenty-sixth session of 18-22 April 2016;

(e) Explanation to the Committee on Budget and Finance on staggered implementation of the new Registry structure submitted to the Committee on Budget and Finance for the Committee's twenty-sixth session of 18-22 April 2016; and

(f) Comprehensive Report on the Reorganisation of the ICC's Registry, dated August 2016, and presentation of this report to the States Parties at The Hague Working Group on 9 September 2016.

46. The observations that follow relate both to the final project report and to the supplementary information provided by the Registry. They mainly cover changes to the Registry's organisation proposed in the final report and already implemented.

### **1. Strengths arising from the final report of June 2015**

47. A number of key guidelines laid down in the project team's final report of June 2015 constitute strengths:

#### **(a) *Definition of the Registry's values and organisational principles***

48. As recommended by PwC, the report did a good job of setting out – mainly in the first four chapters and Annex 3 – the values by which the Registry's actions must be motivated and the following principles to which its organisation must adhere: unity of the Registry, creation of management teams, integrated management of field offices, staff empowerment, efficiency and effectiveness.

49. **It would be helpful to publish this report on the Court's intranet (taking out any potentially confidential material) and disseminate it to all staff to explain the reforms already implemented and those in progress, as well as the Registry's values and missions, which are very clearly set out.**

**Recommendation 1. The External Auditor recommends that the final report of the *ReVision* project be published and disseminated to staff, excluding confidential information on individual staff members.**



(b) *Reorganisation of units reporting directly to the Registrar*

50. The report recommends that three major divisions be created, responsible for administrative services, judicial services and external operations, as well as an office of legal affairs which has assumed a central coordinating and leading role in terms of legal functions previously organised in a non-coordinated manner. The three directors and the chief of the Legal Office concerned are the Registrar's only direct reports and form the Registry's management team.

51. This means that the Registrar now has 4 direct reports, instead of 16 under the previous structure<sup>23</sup>, and can therefore concentrate on the strategic management of his administration together with the aforementioned team, instead of being pulled between a multiplicity of day-to-day issues.

52. Similarly, each director manages his/her division together with all the section chiefs who report to him/her.

(c) *Strengthening field offices*

53. In accordance with the conclusions of the numerous reports on field operations referred to earlier, the new External Operations division holds central responsibility for supervising the field offices, the largest of which are run by an office head (grade P5 instead of field managers at P3 level); previously, each field office staff member reported to one of the seven Registry sections to which he/she was attached, with no local operational coordination. The former field office managers were tasked only with administrative and logistical coordination, and had no authority over the other members of their offices or over the Registry operations in the field.

**Table 1: List of field offices in September 2016**

<i>Location</i>	<i>Grade and responsibility of office chief</i>	<i>Comments</i>
Kinshasa and Bunia (Democratic Republic of the Congo)	P5	Currently being recruited
Abidjan (Côte d'Ivoire)	P5 responsible for both offices	A P3 officer is in place at Bamako. A P5 officer is currently being recruited.
Bamako (Mali)		
Nairobi (Kenya)	P5 responsible for both offices	Already in place
Kampala (Uganda)		
Bangui (Central African Republic)	P5	Currently being recruited
Georgia	P5	Office not yet open (in process of being authorised by host country) and P5 officer currently being recruited

Source: External Auditor, according to information disclosed by the ICC Registry.

(d) *Restructuring of certain sections*

54. According to partial information gathered during the audit, the heads and correspondents of certain sections are satisfied overall with the way in which those sections have been restructured and their remits revised. This is the case, in particular, of the Information Management Services Section (IMSS) and the Security and Safety Section (SSS)<sup>24</sup>.

<sup>23</sup> The Registry was previously organised into two divisions responsible for administrative and judicial services, seven sections and seven field offices, all reporting directly to the Registrar. However, the latter's job was made easier by the coordinating role played by the Deputy Registrar working with autonomous sections.

<sup>24</sup> The examples cited here are not exhaustive. It should also be noted that project had very little impact on the General Services and Detention sections: the project team found their operations to be satisfactory. Furthermore, in the end no changes were made to the four sections tasked with assisting the defence, victims and witnesses due to a lack of agreement from the judges (see below).

55. The oft-criticised reporting line from the Registry library to IMSS is justified by the need to include in the library electronic archives of ICC proceedings, which increasingly outweigh printed archive materials.

## 2. Points for improvement

56. The major principles of the reorganisation of the Registry do not call for comment, but it was noted that the organisational arrangements at operational levels of the Registry have yet to be defined satisfactorily.

### (a) *The imperfections of the internal organisation for each division*

57. The number of reporting lines to each director appears to be high and difficult to manage. The current organisation chart stemming from the *ReVision* project notably provides for direct supervision of eight Field Offices by the Director of External Relations, in addition to three sections under his responsibility, at the risk of saturating his work schedule.

58. Although the sections which are used to giving direct instructions to their “representatives” in Field Offices are no longer part of the direct reporting line as these are now related to the Head of the Field Office, measures have been taken to ensure that substantive and expertise communication between such sections in The Hague and staff members in the Field Offices can continue to take place.

59. The Director of External Relations is organizing meetings in this respect three times a month at which all the sections concerned and the Chiefs of Field Offices are represented (by videoconference). In this way he wants to create a teamwork culture, which corresponds well to the principle defined by the project (“One Registry in One Court”).

60. **It is now essential to define the standard operating procedures and workflows<sup>25</sup> explaining specifically how each official’s new missions have to be carried out. This is made necessary by the fairly non-operational nature of the overly-numerous recommendations in the final report and the reports relating to the sections.**

### (b) *The questions arising from the separation of the Budget and Finance Sections*

61. Pursuant to the *ReVision* team’s final report, the former Budget and Finance Section has been split in two sections: a Budget Section, in charge of all budget-related functions, including planning and monitoring activities as well as the strategic role of long-term forecasting; and a Finance Section, in charge of financial services in the context of disbursements, accounts and treasury functions, including the provision of the annual financial statements.

62. This reform was aimed at addressing the drawbacks of the considerable complexity of preparation of the Court’s annual budget, linked to the fact that it is difficult to anticipate the developments in the Court’s investigative, prosecutorial and judicial activities each year. It is based on the model for certain international organisations, and enables one Section Chief (Chief of Budget) to focus exclusively and adequately on budgetary issues, while the other Section Chief (Chief of Finance) can focus on financial matters.

63. Nevertheless, it has the disadvantage of stretching the links between the budget and finance, which are however essential with respect to the projection and follow-up of budgetary execution, that notably must be based on details of the available cash position in real time, the monitoring of contributions, expenses and commitments, as well as their budgetary impact.

64. Moreover, in its audit report on the 2015 financial statements (recommendation No. 6)<sup>26</sup>, the external auditor recommends that ICC must “[...] ensure the stability and reinforcement of the accounting function”, as International Public Sector Accounting

<sup>25</sup> Job descriptions were drawn up as part of the project; these were used to redefine the grades corresponding to each position and will serve as the recruitment basis for vacancies.

<sup>26</sup> External auditor reference: ICC-2016-1.

Standards (IPSAS) require more highly technical resources capable of carrying out accounting tasks because of the complexity of standards.

(c) *The gap between the low number of net departures and the number of jobs abolished*

65. The project resulted in a net reduction of the Registry's staff of 10.4 officials, full-time equivalent (FTE). In the process, 120 individual staff members were informed that their position would be abolished, out of which 53 staff members eventually stayed in the Registry as they obtained new positions and the remaining 67 staff members received separation indemnity.

66. This result demonstrates a moderate cost-effectiveness:

(a) If the services of a dozen officials who showed unsatisfactory performances had to be dispensed with, a targeted operation offering them enhanced separation indemnities would have been much less costly (and allayed the stress, suffered by at least 120 people);

(b) If transfers from one section to another were necessary, they could be organised more simply, without redundancies followed by new recruitment; and

(c) If certain functions were held by officials with grades that were comparatively higher than necessary, an appropriate policy would have restored the situation gradually.

67. The Registry explains this situation by the very ambitious remit realized as part of the project: the project team first defined the positions necessary for the proper functioning of the Registry and clarified the sections to which they were attached; a team of external experts skilled in job classification then proposed appropriate grades for each position.

(d) *Delays in recruiting new staff*

68. Subsequent to the departure of 67 staff members who separated from the organisation the recruitment of new officials to fill vacant positions meeting the project's new definitions has not been completed yet: the percentage of Registry's vacancies stood at 25% in early 2016, and 21% in August 2016, while the ratio is expected to be 12% at end 2016 and 10%, considered as normal, in June 2017. This delay stems from the fact that the 2016 budget granted by ASP to the Registry is around €5m lower than its request, which has required the latter to stagger the recruitment.

(e) *Non-application of the project to four sections in charge of services for defence counsel and victims protection*

69. The project team strived to merge the two sections in charge of defence (the Office of Public Counsel for Defence, OPCD, and the Counsel Support Section, CSS). A similar project provided for the merger of two sections in charge of assistance for victims (the Office of Public Counsel for Victims, and the Victims Participation and Reparations Section).

70. The project led to significant preparatory work and the drawing up of recommendations as numerous as in the case of other sections but was ultimately not adopted as it would have implied a change to the Regulations of the Court. Judges had some general discussions on this potential merger in 2014 and 2015, which demonstrated that there was a division among judges on the matter. As a consequence the matter was not developed further, no concrete proposed amendments to the Regulations were ever submitted and this aspect of *ReVision* was abandoned.

(f) *The mention of problems in terms of relations among the Court's organs*

71. The final report of June 2015 mentions a certain number of problems caused by relations among the ICC's organs, a matter that was mentioned in the authorisation given to

the project by ASP in 2013 and withdrawn in 2014. These problems were also not reiterated in the Registry's reports on the project.

72. Most of these issues concern very political matters, which go beyond the scope of a Registry reorganisation project: the difficulty of dealing with conflicts of inter-organ priority, relations with ASP, the Committee on Budget and Finance (CBF), and the functioning of ASP work groups.

73. On the other hand, one of the matters dealt with, namely overlapping functions between the Registry and the Office of the Prosecutor, is related to the problematic issue of the project. Several initiatives are ongoing to identify synergies between the tasks carried out by the Registry and the Office of the Prosecutor, in order to ensure an optimal use of the Court's resources and an effective functioning of both the Prosecutor's and Registrar's responsibilities under the Statute. Synergies can be found without implementing reforms of the structures. During the *ReVision* process, such aspects were taken into consideration by the *ReVision* team and regular consultations have taken place between members of the *ReVision* team and representatives of OTP. Furthermore, OTP had a representative in the Project Board who ensured adequate input in relation to matters of coordination between OTP and Registry. Structural changes may in effect be impossible to carry out for procedural reasons: both the Prosecutor and the Registrar have different, complementary, responsibilities in relation to witnesses appearing before the Court.

74. The Information Management Services and Security Sections thus purchase single IT information applications for the two entities, which they adapt subsequently to the respective requirements of the Registry and the Office of the Prosecutor. Efforts are also made to use the same translators and interpreters. Moreover, officials from the Office of the Prosecutor are specifically tasked with coordination and liaison with the Registry's Human Resources Section.

## C. Method recommendations that have yet to be applied

### 1. Method recommendations

#### (a) *Delayed treatment of the method recommendations*

75. The complete report of August 2016 on the reorganisation of the Registry (page 25), indicates that 70% of the recommendations in the final report of June 2015 concern the improvement of procedures and workflows and just 30% modifications to structures.

76. Nevertheless, the majority of the Registry's reports commenting on the project are dedicated to changes to the organisation chart and not to the procedures. This order of priority is probably inevitable: changes to the organisation chart have to be made first so that the new chiefs of definitive structures are in place prior to finalisation of the new working methods.

77. As mentioned above, the treatment of the method recommendations has started.

#### (b) *The 529 over-detailed recommendations*

78. As the Registry's Management Team noted during its seminar in July 2015, the project's recommendations were too numerous and detailed for their application to be scheduled with ease. The project team had written 18 specific reports on the Registry's sections, comprising 529 recommendations related to the said sections, presented in annex 9 of the report, as already mentioned. Based on a paper prepared by the Registrar with general guidance as to the way forward, the Registry's Management Team gave ownership of the implementation process to the Directors and Section Chiefs and requested them to develop organisational development plans to implement these recommendations and make any adjustments as they deemed necessary.

79. **With the exception of some recommendations of general scope included in the final report itself, the majority of these recommendations are not ranked by order of importance, nor classified by kind, and they are very detailed. However, they have been ranked in order of urgency: some of them are indicated as having to be applied**

**“immediately”, others within “four months”, “six to eight months” or “12 months or more”. They appeared difficult to understand properly and to apply and as a result were not carried out in most cases.**

80. Indeed, the recommendations reflect a very thorough analysis of the different functions of each position, by sometimes proposing the transfer of some of these functions to other positions, which will depend on other sections in certain cases. It is also proposed to modify the level of the positions thus redefined.

81. To take a few examples regarding the former Finance section, it is recommended:

(a) That the post of Strategic Planning Coordinator (P-3) be reclassified as the Budget Planning and Monitoring Officer (P-4);

(b) That the Payroll unit be dissolved, and the post of Head of Payroll abolished, with responsibility for payroll monitoring transferred to the Head of Disbursements, which would require a new classification (not specified) of the latter post;

(c) That responsibility for the payroll be transferred to the Human Resources Section;

(d) That the rest of the Finance Section, i.e., the Treasury and Accounts units, be merged;

(e) That the functions of the Contributions Officer be limited to their technical aspects (calculation of contributions and monitoring of their recovery) and that the traditional functions devoted to information and reminders to States be transferred to the new Division of External Relations; and

(f) That continued professional training of Certifying Officers be added to the functions of confirmed Disbursement and Payroll Officers (who will now depend, for the former, on the new Finance Section, and the latter, on the new Human Resources Section).

## 2. Attempts to apply these recommendations

82. The Registry Management Team adopted a paper called “Guiding reflections on *ReVision* recommendations” and requested the Directors and Section Chiefs to develop organisational development plans for their units: the “Guiding reflections on *ReVision* recommendations” paper was sent in September 2015, and followed by “Organisational Development Plans” specific to each division.

83. At the time of the audit, this work has yet to be completed owing to the Court’s move into its new office, and the high level of vacant positions (following the budgetary decisions). Since September 2015, the Directors and Section Chiefs have been developing and implementing organisational development plans

84. This work is highly-awaited by staff: several Section Chiefs expressed their concerns to the external audit team regarding as yet unresolved method issues at the Registry, as their officials do not know which correspondents in the new organisation chart to address in order to accomplish their tasks. Many officials, lacking knowledge of the new procedures applicable, use the traditional methods or trust in their staff relations network within the ICC.

85. The Staff Union Council launched a staff survey to review the state of application of the project: the results of this survey were not known at the time of the external audit team’s visit.

86. The Registrar has just appointed a Chief of Staff whose first missions will be to ensure that these recommendation application plans are realised.

**87. Given the complexity of the task, the External Auditor estimates that this work can only be accomplished by not sticking exactly to the project team’s recommendations but by striving to develop, as efficiently as possible, the standard operating procedures describing how relations have to be structured between officials, new sections and new divisions for each Registry mission. This view is shared by the Registry.**

88. As acknowledged by the Registry Management Team, such work can only be carried out in decentralised fashion (bottom up approach), firstly by internal reflection within each section and division. The role of the Chief of Staff, backed by a small team, should be to monitor this work, identify the difficulties and coordination problems that cannot be resolved spontaneously through contact among the heads concerned, and submit such issues to the Registry Management Team.

**Recommendation 2.** The External Auditor recommends that the Registry implements standard operating procedures and workflows to enable staff to understand the new working methods to apply in the Registry's structures as reorganised by the project.

**Recommendation 3.** If definition of the new working methods requires the use of external assistance, the External Auditor recommends selecting a consultancy firm or potential specialists after an invitation to tender implemented in accordance with the rules of the ICC.

## D. The cost of the project and its staffing and budget implications

### 1. The direct cost of the project

89. The direct cost of the project, estimated by the Registry in the complete report of August 2016 (page 74) and verified by the external audit team, stands at €1,075.5k, o/w €456.6k in 2014 and €619.9k in 2015. This amount includes:

(a) The salaries for the Human Resources Task Force, whose primary role was to process all priority candidacy recruitments but whose work also included classification of new posts resulting from the restructuring, providing support to the staff members whose positions were abolished both in terms of priority recruitment and calculation of enhanced agreed separation packages, as well as support to the hiring managers with recruitment procedures (€191.2k); and

(b) The cost of an external consultant (Mannet)<sup>27</sup> in charge of providing procedural input on the *ReVision* recommendations and supporting the Registrar in preparation for and implementation of the reorganisation-related decisions, as well as coaching the Directors and Section Chiefs in the preparation of the reorganisation of the Registry (€124.2k).

90. This cost has been assumed by the Registry's ordinary budget.

91. Remuneration for the Project Director Martin Petrov, at P-5 then D-1, when he has attained the required years of service, was funded from the staffing costs of Registry's 2015 budget. The external audit team, which met with the Project Director, noted he had the overarching vision and motivation expected of an official of this grade.

### 2. The cost of the job abolition

#### (a) *The amount of indemnities*

92. The holders of the 120 posts abolished as part of the project had the choice between two solutions set out in the information circular of 19 August 2014 entitled "Principles and procedures applicable to decisions arising from the *ReVision* project":

(a) To receive enhanced separation indemnities<sup>28</sup>, consisting of the standard indemnities increased by 50% and three months' salary, including bonuses, as well as payment of their statutory notice period, in return for signing a waiver of their right to appeal; or

(b) Apply as a "priority candidate" for new positions defined under the project.

<sup>27</sup> Use of this consultant, which the Registry has already called upon on the past, was approved by the ICC's Procurement Committee on 9 April 2015, based on Article 110.7 a (ii) and (ix) of the Financial Regulations, which addresses cases in which a single supplier is available for a given service.

<sup>28</sup> The amount of the indemnities is called the Enhanced Agreed Separation Package (EASP).

93. In order to facilitate the speed of project execution, the Registry decided to publish these principles and procedures in the form of an information circular, and not an administrative instruction, which would have required consultation of the Court's other organs. This instrument was chosen as the rules included in this circular were applicable only to Registry staff for the duration of the *ReVision* process and did not apply to all Court staff.

94. Out of the 120 officers concerned, 67 chose these enhanced separation indemnities, which totalled €5,101,212<sup>29</sup>, according to the complete report of August 2016 (page 74).

**Table 2: Amount and financing of separation indemnities, according to the Registry (in euros)**

<i>Breakdown of the indemnities</i>	<i>Financing</i>		<i>Total</i>
	<i>Registry budget</i>	<i>EBL fund</i>	
Statutory separation indemnities	451 681	1 992 508	2 444 189
50% increase	191 491	859 088	1 050 579
Three months' salary	924 221	-	924 221
Notice period	145 994	536 228	682 222
<b>Total</b>	<b>1 713 388</b>	<b>3 387 824</b>	<b>5 101 212</b>

Source: External auditor, based on the complete report of August 2016.

(b) *Observations called for by this mechanism*

95. **The following has to be added to the indemnities mentioned by the Registry in the above table: €343.4k in UN pension fund contributions and €65.6k in health insurance contributions, i.e., €409k, which brings the total cost of the indemnities to €5,311k, in light of the error regarding the two staff members mentioned in note 29.**

96. These indemnities were granted with reference to best practices for other international organisations: the United Nations Organization (UNO), the United Nations Children's Fund (UNICEF), and the United Nations Voluntary Fund for Indigenous Populations (UNFPA). Their legality, as that of the entire scheme, can only be assessed with certainty at the outcome of the appeals by the staff concerned.

97. Out of the 59 other officials that applied for a new position as a "priority candidate", 53 were successful in their application.

98. There is therefore an initial risk of appeals before the International Labour Organization Administrative Tribunal (ILOAT), competent in the matter, from the six officials that did not receive an enhanced separation indemnity, or obtain a new position. In one case, an appeal was lodged by a beneficiary of the enhanced separation indemnities.

99. In practice, 21 appeals were lodged before the ICC Appeals Board, filed by 15 staff members. In 2 cases, the Appeals Board found against the Court. In the other 19 cases, the Appeals Board found against the applicants. In addition, 11 officials have submitted 12 appeals to the ILOAT, requesting a total of €8.4m in indemnities. One case has already been dismissed by the ILOAT. The ICC could thus be faced with additional indemnity payments, laid down by a court decision, and legal costs. However, as just indicated, only two of the applicants obtained a favourable opinion from the ICC's Appeals Board prior to engaging in legal proceedings at the ILOAT. The Registry estimates that the potential financial risk is low and it is not considering setting aside a risk provision as, in its view, possible compensation awarded could be financed by its own budget.

100. The procedure followed also calls for several observations:

(a) The enhanced separation indemnity proposals were made without taking into account the age of the staff concerned, which has enabled four officials aged 60 years and

<sup>29</sup> The amount erroneously includes the indemnities of two staff members whose departure is not linked to *ReVision* project. The exact amount without taking into account these staff members is € 4,902,089.

over to benefit from indemnities very soon before their retirement<sup>30</sup>; on this point, the Registry specified that the procedure followed complies with the Staff Rules, which apply in principle equally to all staff, regardless of age and with the ILOAT jurisprudence;

(b) The choice between the enhanced separation indemnities and the privileged candidacy for a new position created a windfall effect for officials most likely to find a new job externally; and

(c) Fear of job abolitions, followed by implementation of 120 separation procedures affected the morale of staff during the project. However, the Registry noted on this point that the Project made it possible to transform 30 GTA in established position and gave the opportunity to 30 out of 59 priority candidates to obtain higher level positions in the new Registry structure.

(c) *Financing the indemnities*

101. Financing of the indemnities was ensured, as indicated in the table above, by the Registry's budget for a total of €1,713,388, spread between the 2014 (€907,176) and 2015 budgets (€806,212).

102. This was completed by a drawdown of €3,387,824 on the reserve for possible commitments, the so-called EBL fund<sup>31</sup>, constituted in 2007. This drawdown was carried out without prior authorisation of the Assembly of States Parties, despite the external audit team's counsel to request such authorisation. Although the external audit team's counsel advised the Registry to seek such authorisation, the Committee on Budget and Finance considered that indemnities "could be financed from the Employee Benefit Liabilities Fund (EBLF) since this fund had been established for the purpose of covering the indemnities ensuing from the termination of staff contracts".<sup>32</sup> As a result, the Registry did not request such an authorisation. The ASP subsequently agreed with this use of the EBL fund.

103. This drawdown does not deprive the ICC of an immediately indispensable resource as the purpose of the EBL fund was not determined at its creation. However, it has deprived the ICC of leeway in the event of a contingency. The external auditor noted, in its report on the cash reserves of November 2015, that reserves still available in this fund would soon be depleted: they stood at €11.227m at end December 2014 and fell to €6.395m at end December 2015, after payment of separation indemnities; their amount is expected to be reduced to €0.4m at end October 2016.

### 3. Impact on staff numbers

104. As indicated above, the Registry's budgets for 2014 and 2015 authorised 560.4 full-time equivalent positions (FTE), o/w 495 established posts and 65.4 temporary positions.

105. The new organisation subsequent to the project provides for 550 positions, *i.e.* 10.4 fewer, according to the complete report on the *ReVision* project of August 2016.

106. The real trend in the Registry's staffing resources was as follows:

(a) The number of budgetary positions decreased from 560.4 in the 2015 prior to the reorganisation to 550 after the reorganisation during the same year of 2015, which led to reduction of 10.4 positions in the course of reorganisation;

(b) The figure then increased for established positions to 578 in the 2016 budget; and

(c) Fell to 573 in the draft budget for 2017.

107. There was an increase of 17.6 budgetary positions between 2015 and 2016.

<sup>30</sup> These officials were aged 60, 61 (in two cases) and 62 years old. They received a total of €468,282 and have all retired.

<sup>31</sup> Employee Benefit Liabilities Fund (EBLF).

<sup>32</sup> Official Records ... Fourteenth session ... 2015 (ICC-ASP/14/20), vol. II, part B.2, para. 12.



**Table 3. Presentation of the staff evolution between 2015 to 2017 by the Registry**

Staffing	2015-reorganisation				2016	2017 (proposed)
	2014	Before reorganisation	Changes	After reorganisation		
Established	495 (+1)	495 (+1)	+55	550 (+1)	578(+1)	573(+1)
GTA-FTE	65.4	65.4	-65.4	-	25.9	49.5
<b>Total</b>	<b>560.4 (+1)</b>	<b>560.4 (+1)</b>	<b>-10.4</b>	<b>550 (+1)</b>	<b>603.9(+1)</b>	<b>622.5</b>

Source: the ICC Registry – October 2016

108. The complete report of August 2016 (pages 41 and 42) justifies this difference by the staff needs resulting from the move to the ICC's new office and by the increase in judicial activity: it indicates that 27 established posts and 25.9 temporary positions were created for these requirements, while one established post was transferred from another major programme to the Registry, which resulted in 578 established posts (550 from reorganisation + 27 additional +1 transferred) and 25.9 temporary positions in the approved budget for 2016.

109. As for the additional staff needed for the permanent premises, the Registry highlighted that, in the permanent premises and as of 2016, the Court was no longer a tenant of a rental property, but became the owner of its permanent premises, which led to different responsibilities and increased costs. The Court also moved from co-occupant status, having shared the facilities with EUROJUST, to being the sole occupant of the new building. This meant that it could no longer benefit from cost-sharing of common spaces, including reception, the cafeteria and security operations. Furthermore, the new building is larger than the previous interim premises, with more extensive public and open spaces, thus requiring higher maintenance and security and increased reception services. Therefore the following three groups of staff were needed in 2016: 16 additional security officers, 3 staff in charge of facilities, and two receptionists (21 established posts in total).

110. As for the increased prosecutorial and judicial activities, there were requirements in 2016 linked to the increases in the Court's and Registry's activities which consisted of two elements. One was the projected increase in judicial activities from one to four cases being at the stage of court proceedings. This had an impact on requirements in, among others, court management, language services, and the Victims and Witnesses Section. The second workload increase element was linked to new and intensified operations in the field, including operations in the newly-opened situation countries such as Mali or new cases in pre-existing situation countries, such as the Central African Republic. For these requirements 6 established posts were requested and approved in the field, in addition to 25.9 GTA-FTE positions.

111. Even if the real staffing level is much lower than the budgetary projection, the difference between the budget figures and the indications in the complete report of August 2016 is still difficult to explain. Observations made in a particular case show that sometimes a very temporary decrease in staffing resources is apparent.

112. In the case of the new security section, the complete report of August 2016 indicates, on pages 104 to 107, that its staff decreased from 87.7 to 56, i.e., a reduction of 31.7 positions<sup>33</sup>. In reality, the security section only had 56 positions at end 2015, after eight G-2 officials failed to qualify as G-3 (since the project recommended reconverting the 23 G-2 officials in service into G3 officials, who are more multi-skilled). As of 2016, 15 new G-3 officials and seven temporary officials had to be recruited to meet requirements after the move to the new office and the opening of a second courtroom. The reduction of eight officers taken into account in the complete report of August 2016 was thus very ephemeral.

113. The Registry explains the staff evolution of the security section by the following tables presenting the total number of staff of this section and the number of staff working at the headquarters.

<sup>33</sup> This reduction is subsequent to the transfer of 31.7 posts in the former security section to three other sections.

**Table 4. Presentation of the staff evolution of the security section (2015-2016)**

Security Section	Before ReVision 2015	SSS - 2016 approved			SSS - 2016 without ReVision		
		Revised 2015	Additional 2016	Total 2016	Unrevised 2015	Additional 2016	Total 2016
Established	85	56	16	72	85	24	109
GTA-FTE	2.7	-	4.4	4.4	2.7	4.4	7.1
<b>Total</b>	<b>87.7</b>	<b>56</b>	<b>20.4</b>	<b>76.4</b>	<b>87.7</b>	<b>28.4</b>	<b>116.1</b>

Source: the ICC Registry – October 2016

**Table 5. Presentation of the staff evolution of the security section working at the Headquarters (2015-2016)**

Security HQ only	Before ReVision 2015	SSS - 2016 approved			SSS - 2016 without ReVision		
		Revised 2015	Additional 2016	Total 2016	Unrevised 2015	Additional 2016	Total 2016
Established	65	56	16	72	65	24	89
GTA-FTE	1	-	4.4	4.4	1	4.4	5.4
<b>Total</b>	<b>66</b>	<b>56</b>	<b>20.4</b>	<b>76.4</b>	<b>66</b>	<b>28.4</b>	<b>94.4</b>

Source: the ICC Registry – October 2016

114. The above-mentioned decisions to increase budgetary staffing resources to respond to the extension of the ICC's premises appear to be reasonable (and lower than the requests of the section concerned), but the explanations given in the complete report of August 2016 to justify the effectiveness of the project warrant qualification.

115. Note that the External Auditor recommended, in its audit report on the financial statements for the year ending 31 December 2015 (recommendation No. 1)<sup>34</sup>, that the Registry's Human Resources Section, on the one hand, implements monitoring of average staffing resources in order to facilitate comparison between the average and the budget staffing resources table, and, on the other, carries out a reconciliation of the payroll files in order to establish the staffing figures with certainty.

#### 4. Budget implications

116. The complete report of August 2016 indicates that the Registry's staff costs provided in the 2015 budget-programme, i.e., €42,939.5k, were reduced by €443.8k to €42,495.7k as a result of the new Registry structure established in the second part of 2015. This was based on the assumptions and workload requirements for 2015 and without prejudice to increases in future Registry budgets due to new assumptions or increased workload in 2016 and beyond.

117. However, the Registry was required to stagger the recruitment of new officials in the course of 2016 in order to generate €3.4m in savings and respect the budget authorised by the ASP, which is around €5m lower than its request.

118. The trend in the Registry's budget for staff costs is as follows:

(a) The budget including permanent and temporary positions increases from €41,802.7k in the first part of 2015 (approved 2015 budget), prior to reorganisation, to €42,495.7k after the reorganisation in the second part of 2015; and

(b) The total budget including permanent and temporary positions, and costs for temporary assistance during meetings, overtime and consultants, decreased from €42,939.4k in the first part of 2015 (approved 2015 budget) to €42,495.7k after the reorganisation in the second part of 2015.

119. For 2016 and 2017, against budget parameters and needs laid down in these budgets, the budget for permanent and temporary positions has increased to 44,093.2k in the 2016

<sup>34</sup> External auditor reference: CPI-2016-1.

budget and 49,586.3k in the draft budget for 2017. For these years, the total budget including permanent and temporary positions, and costs for temporary assistance during meetings, overtime and consultants increase to 45,694.1k for the 2016 budget and 51,800.5k for the draft budget for 2017.

120. **It is duly noted that, after the reorganisation, there was an increase in 2016 budget in the staff costs budget including permanent and temporary positions of €2,023.9k. This increase resulted from new budget assumptions and needs for 2016, notably the move to the permanent premises and the increased workload.**

121. **With regard to the total staff costs budget, the increase between 2015 and 2016 stands at €2,754.7k for the reasons previously mentioned.**

122. **The increase in the staff costs budget proposed for 2017 is higher: €7,783.6k for permanent and temporary positions alone compared to the budget approved for 2015 and +€5,881.6k for the total staffing, compared to the budget approved for 2016. This additional increase is notably due to the staggering of recruitments decided in 2016, which will lead to an increase of €2,6 million in 2017 when the planned recruitments are carried out, as well as due to €0,8 million increase associated with the application of the UN common system, and €2,4 million on account of new positions proposed for 2017 to support higher number of OTP investigations, from 4.5 to 6, and to increased judicial activities.**

## 5. The indirect savings calculated by the Registry

123. The complete report of August 2016 indicates (page 63) that the Registry generates €5,384k of savings thanks to the *ReVision* project:

- (a) €984k on staff costs;
- (b) €1,000k on Registry travel costs, thanks to transferring the decision-making of the Victims and Witnesses Section to the field, in relation to managing cases; and
- (c) €3,400k attributable to staggering of the recruitments for posts resulting from the new Registry structure.

124. The savings on travel costs and those attributable to staggering of the recruitments were calculated, for the former, by re-evaluating the need for missions for Headquarters staff to the field as a result of the new structure of strengthened decision-making for VWS field staff and for the latter, by setting a recruitment schedule for the 121 positions to be filled under the project.

125. **These calculations appear logical. Savings in VWS travel have already materialised as the Section has maintained virtually the same travel budget since 2015 (€1,086.1 thousand approved), both in the approved 2016 budget (€1,086.1 thousand) and proposed 2017 budget (€1,076.9 thousand), despite a significant increase of 150 persons in the Court's protection programme and associated workload over this period. That said, the projected travel cost savings for external relations and field office support staff have to be verified in the financial statements for 2016 and subsequent years. The Registry indicates in this respect that the 14.3% increase (from €1,964.6k to €2,246.5k) in Registry mission cost appropriations requested by the draft budget for 2017 are not attributable to its officials' mission costs but those incurred by the witnesses required to go to The Hague, who will be more numerous than in 2016.**

126. **On the other hand, the €984k savings in staff costs expressed in the complete report is not convincing: it corresponds to the above-mentioned €443.8k in savings, considered as attributable to the decline in the Registry's staffing resources as a result of the project (augmented to €450k due to the increase in salaries in 2016), and to €534.2k which would have been saved by not recruiting, thanks to the project, eight security officers that would have been needed for the new headquarters.**

127. **It is indicated above that the savings of €443.8k have been offset by new costs. The move to the new office required the recruitment of 15 new G-3 officials (after the departure of eight G-2 officials) and seven temporary officials, a number that was clearly lower than the wishes of the competent service.**

128. The External Auditor has examined the available data with respect to the quantification of costs and savings. Measurement of the precise and detailed impact of the move into the new office as well as the judicial activity requires complementary detailed explanations which falls within the remit of the Registry's services.

**Recommendation 4. The External Auditor recommends that the Registry publishes a note for the attention of the States Parties explaining the precise impact on the ICC's staffing and budget of the move to the new office and growth in judicial activity.**

#### IV. Conclusion

129. The reorganization project of the ICC's Registry was justified in a technical and political view. It was carried out within the foreseen deadlines.

130. It has allowed to redefine the values and the principles of the Registry organization, to rationalize its organization by bigger divisions, to limit the levels of the hierarchical structure reporting to the Registrar, to strengthen the field offices and their coordination structure and to review all the positions, which constitutes a positive asset.

131. It has generated limited savings related to the abolition of 10.4 positions for an amount of K€ 443.8 which has been more than offset since 2016 by the increase of the number of positions and by the costs associated with the move into the new premises which are bigger than the previous ones and by the rise of the number of cases submitted to the Court.

132. The regularity of the *ReVision* project has been challenged on three points:

(a) The recruitment of three external individuals for the project team without allegedly following the regulatory selection procedure, on the grounds of urgency and the none-obligatory character of this procedure;

(b) The terms of separation for certain staff members, for which will definitively be known the regularity only after the ruling by the International Labour Organization Administrative Tribunal, referred to by several officials; and

(c) The absence of prior authorisation from the Assembly of States Parties to draw on the Employee Benefit Liabilities Fund in order to finance part of the cost of the project, which, however brought into compliance.

133. It is too early to judge the long-term effectiveness of the project, as implementation of the numerous method recommendations that were presented has barely started due to their very detailed character and the Registry's high vacancy rate.

#### V. Acknowledgements

134. The External Auditor would like to express its sincere thanks to the President, the judges, the Registrar and staff members of the Registry of the International Criminal Court, for the quality of their reception and the precision of the information that they provided us.

*End of audit observations.*

## Annex

### Objectives and scope of the Project, as set out in the scope statement of 28 January 2014

1. Main objectives:
  - (a) Adopt a more efficient and effective Registry organisational structure;
  - (b) Obtain a minimum structural reduction of 3% in the Registry's budget and, preferably, a higher percentage;<sup>1</sup>
  - (c) Improve the Registry's performances in terms of sustainability, efficiency and effectiveness; this includes improving communication, coordination, cooperation and measurability, thanks to the scrutiny of working methods, procedures, systems and policies; and
  - (d) Improve the culture of the organisation.
2. Scope:
  - (a) Design of the Registry's organisational structure;
  - (b) Delegations, roles and responsibilities;
  - (c) Policies and rules;
  - (d) Working methods and workflows;
  - (e) Key performance and workload indicators;
  - (f) Management, communication and development methods;
  - (g) Staffing problems;
  - (h) Staff morale and motivation;
  - (i) Management systems; and
  - (j) Other pertinent aspects, after consultation with the Registrar.

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<sup>1</sup> This percentage of 3% complies with the authorisation granted by the ASP in 2013. The ASP's authorisation in 2014 no longer mentioned this target of 3% savings.