

**Twentieth session**

The Hague, 6 – 11 December 2021

**Annual report of the Head of
the Independent Oversight Mechanism***Executive summary*

Major Programme VII-5, the Independent Oversight Mechanism (IOM), was established by the Assembly of State Parties at its eighth session in accordance with article 112, paragraph 4, of the Rome Statute. The purpose of the IOM is to provide comprehensive oversight of the Court and enhance its economy and efficiency through its mandate to conduct independent internal administrative investigations, evaluations and inspections.

This report outlines activities undertaken by the IOM from 1 October 2020 to 30 September 2021. It covers a period of important policy implications for the IOM, with the recommendations of the Independent Expert Review that proposes changes to the IOM's mandate and outcome of the evaluation of the Court's oversight bodies, in which the External Auditor makes recommendations affecting the IOM mandate. Whilst during the COVID-19 pandemic the IOM was able to conduct most of its activities remotely, some interference was experienced by the inability to carry out planned field missions. To mitigate for this, the IOM collaborated with field offices and contracted local consultants.

During this reporting period, the IOM continued to provide comprehensive oversight of the Court by conducting independent internal administrative investigations and evaluations. This included the processing of 23 allegations of misconduct, work on two evaluations, assisting in the preparation of the due diligence process related to the election of the Deputy Prosecutor(s), as well as the provision of other advice and expertise related to the IOM's mandate to the Heads of Organs and senior managers. Further, the IOM continued to work with the Court in progressing the Court's internal regulatory standards and procedures to ensure alignment with the revised IOM mandate, adopted by the Assembly in December 2020, and best practices across the United Nations system.

I. Introduction

1. This annual report is submitted to the Assembly of States Parties pursuant to paragraph 38 of the IOM Operational Mandate (Resolution ICC-ASP/19/Res.6., Annex II), and covers the IOM's operations during the period 1 October 2020 to 30 September 2021.

II. Policy matters

A. Review of the work and operational mandate of the IOM

2. Under the facilitation of H.E. Ambassador Paivi Kaukontora (Finland), seized of the review of the work and operational mandate of the IOM by the Hague Working Group (IOM Facilitation), a revised operational mandate of the IOM was adopted by the States Parties at the 19th session of the Assembly in December 2020. This followed extensive consultations between the IOM and the Court Organs, as well as with the States Parties. The revised operational mandate provides important clarifications regarding the IOM's mandate and authority, and its relationship with the Court.

B. The Independent Expert Review Report

3. The Independent Expert Review (IER), commissioned by the Assembly¹ to identify ways to strengthen the Court and the Rome Statute system, submitted its final report in September 2020, issuing 384 recommendations aimed at enhancing the performance, efficiency and effectiveness of the Court (IER Report). The IOM welcomed the IER Report, in particular the recommendations for the IOM to play a significant role in strengthening the Court's disciplinary framework both for elected officials and staff members, and a call to endow the IOM with adequate resources to enable it to fulfil its mandate.

4. The IER Report contained a number of recommendations touching upon the mandate of the IOM, categorised as those recommending: (i) the adoption of new internal grievance mechanisms, including investigation and discipline of allegations of misconduct, and for IOM to act as secretariat for five non-permanent bodies under an Ethics and Business Conduct Office; (ii) that the investigation of elected officials should be conducted by an *Ad Hoc* Investigation Panel under the auspices of the IOM, and, in the longer term, a Judicial Council; and (iii) measures to be taken to address the reportedly poor Court-wide working environment.

5. In line with Assembly resolution ICC-ASP/19/Res.7, requesting a Court-wide response to the recommendations, in March 2021, the IOM provided separately its observations and comments to the IER Report, which are attached to this report. In summary, the IOM welcomed the proposed adoption of an informal dispute resolution mechanism, which would address a significant gap in the Court's internal justice system. Careful consideration, however, should be given as to the best place to house any such proposed new mechanisms to guarantee confidentiality and avoid conflicts of interest. With regard to investigations against elected officials by an *Ad Hoc* Investigation Panel, the IOM noted that it was for the States Parties to determine whether they wanted to reopen the discussion surrounding Rule 26 of the Rules of Procedures and Evidence, but did provide some suggestions as to how the system surrounding alleged misconduct by elected officials may be revised and strengthened, without altering the language of Rule 26.

6. Discussions regarding the consideration and implementation of a number of these recommendations have begun in the second half of 2021 under the IOM Facilitation, and are scheduled to continue into 2022.

C. External Auditor Report

7. During this reporting period, the External Auditor, mandated by the Assembly "to conduct an evaluation of the oversight bodies of the Court [...] and to recommend possible action on their respective mandates and reporting lines, while fully respecting their

¹ Review of the ICC and the Rome Statute system, ICC-ASP/18/Res.7 (2019).

independence of the Court as a whole,”² issued its final report on the Court’s governance oversight.

8. With regard to the IOM, the External Auditor recommended the merging of the IOM and the Office of Internal Audit (OIA) into one Major Programme. According to the External Auditor, the merger would (i) increase flexibility in management of resources given that the financial rules and regulations permit transfer of funds within major programmes; (ii) be in alignment with the practice of most international organisations; and (iii) modify the cost structure of the two offices, by maintaining one Head of Office and reorienting staff, thereby reducing overall cost.

9. As requested by the External Auditor, the IOM provided its comments to the recommendation in September 2021, wherein it stated while a decision to merge the IOM and the OIA into one Major Programme would be for the Assembly to make, it noted some important areas of the recommendation that require careful consideration. First, the IOM observed that the Court is unique in that its investigation function (through the IOM), does not report to the management of the Court, and in fact has the mandate to investigate the executive head(s) of the Court, which is not the case in other United Nations (UN) organisations, where such a function reports to this executive head, and cannot investigate them. It is also not unusual in the UN system for evaluation functions to report directly to governing bodies. In addition, the IOM urged caution when comparing costs with other UN organisations and the need to ensure that comparable elements are actually being compared. Finally, the IOM also submitted that any merger should take into account the different reporting lines, in that the IOM reports directly to the President of the Assembly, while the OIA reports to the Audit Committee, and the purpose behind such differentiation. The IOM’s response to the External Auditor report is also annexed to this report.

D. Harmonisation of IOM Mandate with Regulatory Framework of the Court

10. When adopting the revised IOM mandate, the Assembly also encouraged the Court, with the support of the IOM, to ensure that all relevant documents of the Court’s regulatory framework were updated and aligned with the IOM mandate, and all applicable rules were harmonized.³ The IOM has, in the reporting period, actively contributed to this process.

11. In the reporting period, the following Administrative Instructions (AIs) of the Court were prepared or revised:

(i) Administrative Instruction on Unsatisfactory Conduct and Disciplinary Proceedings

12. This AI replaces the previous 2008 instruction, which created confusion by authorizing the Heads of Organs to initiate investigations without mentioning the IOM, which did not exist at that time. The new AI therefore sets out the role of the IOM prior to any disciplinary proceedings, clarifies the role of the Disciplinary Advisory Board (DAB), and provides a more robust framework for suspension of staff from duty pending investigation or discipline. It covers only disciplinary proceedings against staff members, as the disciplinary regime for elected officials is covered in Section IV-1 of the Rules of Procedure and Evidence.

13. This AI has been endorsed by the Heads of Organs, and is now with the Staff Union Council (SUC), who previously provided comments that were considered and incorporated where applicable, for final comments.

(ii) Administrative Instruction on Investigations of Unsatisfactory Conduct

14. This is a new AI which follows from the authority given to the IOM in its mandate, setting out in more details the rights and obligations of staff members involved in internal investigations, be they complainants, victims, witnesses, or subjects. This AI was prepared bearing in mind the best practices in UN organisations. While the obligations upon elected officials present in the IOM mandate are reflected in this AI, it does not specifically cover elected officials, who therefore cannot currently formally benefit from the rights therein. As the IOM considers these processes should be as similar as possible, once this AI is

² Resolution ICC-ASP/18/Res.1 (December 2019).

³ Resolution ICC-ASP/19/Res.6, paragraph 147.

promulgated, the IOM will present it to elected officials to inquire whether it should also govern investigations of misconduct and serious misconduct against elected officials.

15. This AI also has been endorsed by the Heads of Organs, and is also now with the SUC, who previously provided comments that were considered and incorporated where applicable, for final comments.

(iii) Administrative Instruction addressing Discrimination, Harassment, including Sexual Harassment, and Abuse of Authority

16. This AI updates and replaces two other instructions dating from 2005. It explicitly refers to the two AIs above as providing the formal mechanisms necessary to investigate allegations of discrimination, (sexual) harassment, and abuse of authority, and also expands the scope of application of the AI, providing a more robust framework for prevention and deterrence, as well as detailed provisions for the support of any individual affected by such conduct.

17. This AI has received initial comments from the SUC and the Focal Point for Gender Equality, and the IOM is hopeful it will be finalized by the end of 2021.

III. Summary of IOM Activities

A. Investigations

18. During the reporting period, the IOM continued with its core mandate of providing oversight to the Court by responding to allegations of potential misconduct. If the allegation falls within its mandate, *i.e.*, the facts alleged if found to be true would amount to misconduct, the IOM can conduct a Preliminary Assessment of the allegation and formally records the matter as a case. A Preliminary Assessment determines whether the allegation merits a Full Investigation, by considering its credibility, materiality, and verifiability.

19. The IOM also continued to meet with individuals who wished to discuss potential complaints and seek the IOM's guidance in terms of the applicable process should a formal complaint be made. If such a consultation does not lead to a formal complaint it is not recorded as a "case" in its system, but is nevertheless logged in the IOM's internal systems.

(i) Statistics

20. During this reporting period, the IOM received 24 matters, including one request for consultation which did not lead to a formal complaint.

Table 1: IOM's Investigative Caseload, 1 October 2020 to 30 September 2021

New Cases Received (total: 23)	<ul style="list-style-type: none"> • Allegations closed prior to Preliminary Assessment: 5 • New Cases progressed to IOM Preliminary Assessment: 18 <ul style="list-style-type: none"> • Cases closed after Preliminary Assessment: 8 • Preliminary Assessments pending: 7 • Full Investigations initiated: 3
Matters carried over from last reporting period (total: 7)	<ul style="list-style-type: none"> • Preliminary Assessments Completed: 7 <ul style="list-style-type: none"> • Cases closed after Preliminary Assessment: 5 • Full Investigations initiated: 2
Investigations (total: 5)	<ul style="list-style-type: none"> • Completed: 3 • Ongoing: 2

21. Approximately half of the new cases received (12) in the reporting period concerned allegations of unsatisfactory conduct related to some sort of harassment, abuse of authority, or retaliation. Five concerned issues related to theft, misappropriation of funds, or fraud/corruption, while two others concerned breaches of confidentiality. One report received from an outside party included an allegation against an elected official, which was found by the IOM to be manifestly unfounded pursuant to Rule 26(3) of the Rules of Procedure and Evidence, and which was communicated to the Assembly in the IOM's Interim report.

22. The five cases which were closed before a Preliminary Assessment was conducted comprised three cases where upon examination there were in fact no allegations of misconduct made, one where the complainant withdrew the complaint, and one where there was no need for a review as the facts had already been established.

(ii) Completed Investigations

a. Substantiated Allegations and Discipline

23. In its report last year, the IOM identified one investigation where allegations of misconduct were substantiated against two staff members and where the disciplinary process was still pending.

1. Harassment, Abuse of Authority, and Retaliation

24. A staff member made a complaint of harassment, abuse of authority, and retaliation against four senior staff in their section. The allegation had its origin in an operational matter where the complainant took a course of action with which the senior staff strongly disagreed. In dealing with the matter, the complainant alleged that the senior staff had responded in an unjustified manner, and that after the complainant made an initial complaint to the Registrar, they had been retaliated against in future work assignments.

25. Taking into account the totality of the evidence, the IOM concluded that there was insufficient evidence of unsatisfactory conduct from two of the senior staff, and that no retaliation took place, although it did note that some of the actions of the senior staff may form the basis of administrative action or be suitable to proper performance management.

26. With respect to the two other senior staff, the IOM concluded that one specific action taken by these staff constituted an abuse of authority. The IOM also concluded that one of the senior staff fabricated concerns about the complainant's welfare and made false statements about them, as well as responded to the complaint by gathering information regarding the complainant's performance and use of internal systems, unrelated to the subject-matter of the complaint. The IOM also concluded that the second staff member actively supported the fabrication of the false concerns regarding the complainant's welfare and collection of information.

27. The IOM submitted its report to the Registrar on **30 June 2020**, recommending that appropriate disciplinary action be taken with respect to the two senior staff members against which the IOM made findings of possible misconduct, and the Registrar referred the matter to the Disciplinary Advisory Board (DAB) for advice. The DAB agreed that the behaviour of the two senior staff constituted an abuse of authority. The Registrar partially followed the recommendation of the DAB and on **18 March 2021** imposed on the first staff the disciplinary measures of (i) **written censure**, and (ii) **deferment of the staff's next within-grade increment for a period of two years**. For the second staff, the Registrar imposed the disciplinary measure of a **written censure** only.

28. Having reviewed the IOM report, the DAB also stated that it was "deeply concerned by the culture" of the relevant section, and recommended that the Registrar take appropriate actions to change and strengthen this culture, in particular the way in which senior staff relate and communicate with and to their subordinates when there is conflict and to create a more collegial, collaborative and less authoritarian and combative atmosphere. The IOM understands that the Registrar is taking specific steps in this respect.

2. Violation of Visiting Professional Agreement

29. The IOM conducted an investigation regarding allegations of assault and inappropriate language by a Court Visiting Professional towards two Court Interns where all three shared the same accommodation. The IOM found that there was a confluence of factors

that created a climate among the housemates that was ripe for the growth of misunderstanding and poor behaviour. These included: the pressures of working from home during a pandemic; different cultural backgrounds; and different expectations of responsibilities in the accommodation. The IOM did conclude that on one occasion the Visiting Professional did physically grab or hold the Intern in the course of a disagreement, but did not push or threaten to strike the Intern. In relation to the allegation of inappropriate language, the IOM concluded that while the language would have been unacceptable in the office, in the context of disagreements between housemates these standards should be viewed differently. Given that Visiting Professionals do not formally fall within the IOM's mandate, it refrained from making any recommendations to the Registrar and simply presented its findings on **19 February 2021**. In light of these findings, the Registrar, on **24 February 2021**, taking into account the particular circumstances of working remotely during the pandemic and the Visiting Professional's expressions of regret and acknowledgment of shortcomings, issued a **reprimand**, warning that any future breach would lead to a termination of the Visiting Professional agreement with the Court.

3. Unauthorized Work Outside of Duty Station

30. The IOM received allegations that a staff member had been working remotely outside of the duty station without authorization. The IOM informed the Registrar on **31 March 2021** that the facts appeared to have already been established, and that the report included the response of the staff member to the allegations. Accordingly, an IOM investigation was unlikely to provide any additional information to the Registrar. The Registrar sought the advice of the DAB, which recommended that no administrative or disciplinary action be taken, and that the matter be addressed through performance management. The Registrar rejected the DAB recommendation, and on **15 July 2021**, decided to impose the administrative measure of a **written reprimand** by a supervisor.

4. Fraud and Misuse of Official Vehicle

31. The IOM investigated allegations of fraud against a staff member in a Country Office alleged to have submitted false invoices for payment and misused an official Court vehicle. The IOM investigation confirmed that two false invoices were submitted by the staff member, but did not identify sufficient evidence to disprove the staff member's claims that he had been instructed to present these by his supervisor (no longer with the Court). The IOM did however conclude that the staff member could not satisfactorily explain his use of the vehicle on the date in question. On **12 July 2021**, the IOM recommended that the Registrar take appropriate administrative and/or disciplinary action against the staff member. The Registrar sought the advice of the DAB, which recommended that the Registrar consider the imposition of: (i) a written censure; and (ii) the loss of five within-grade increments. The Registrar disagreed with the DAB, and on **1 November 2021**, decided to impose the disciplinary measure of **termination** of appointment with compensation in lieu of notice.

5. Undisclosed Conflict of Interest and Favouritism

32. The IOM also received allegations regarding an undisclosed conflict of interest and favouritism on the part of a staff member in the selection of an external party. On **29 September 2021**, the IOM completed its investigation and substantiated the allegations, finding that a conflict of interest existed, which had not been properly disclosed, and that the staff member's actions amounted to, at a minimum, the perception of preferential treatment. The IOM further found that the same conflict of interest had not previously been disclosed in past selections of this external party either. The IOM found that the failure to disclose the conflict was exacerbated by the fact that the relationship giving rise to the conflict seemed to not have been disclosed, and in fact was concealed, precisely in order to avoid any obstacles for the selections of this external party. The IOM also found that the staff member had used their knowledge and position to favour the previous selections of the external party and had distributed confidential Court documents to the external party. The matter is **pending** with the Registrar.

b. Selected Cases Closed Following Preliminary Assessment

1. Allegations Related to Independent Expert Review

33. On 6 November 2020, the IOM received an allegation that the IER Report included information that was untrue and could be construed as affecting the reputation of those involved. The allegation included information about who from the Court may have provided the false information to the IER, and that the IER was negligent in not verifying the information before including it in its report. The IOM reviewed the allegation and found that while it would have been prudent, and perhaps advisable, for the IER to verify the information before including it in its public report, it was clear that it was simply reporting a concern raised, and that in any case the IER Experts were not within the jurisdiction of the IOM.

34. Allegations that one or more staff member, consultant, contractor or elected official would have deliberately provided false information to the IER would however fall within the IOM mandate. Unfortunately, the information provided to the IOM was general and too vague to allow the IOM to sufficiently identify who made the statements at issue. It could also not be excluded that someone may have misinterpreted, or misheard, or may have been themselves provided with false information, which they relayed to the IER in good faith. The IOM approached the IER to inquire whether it would share this information with the IOM (without mentioning the details of the allegations to safeguard the confidentiality of any reports received by the IOM), but the IER responded that they had provided “an undertaking that the sources of information provided to it would remain confidential” and that they were “therefore not in a position to furnish the IOM with the source and details of information received by it”. As the IOM mandate does not give it the power to compel the IER to provide information, the matter was closed as non-verifiable.

2. Theft/Misappropriation

35. On 11 February 2021, the IOM received an allegation regarding discrepancies in the amount of monies seized and documented during a Court operation, raising concerns of fraud having been committed. The IOM’s review of the allegation concluded that despite the documented discrepancy, there were no missing funds. The IOM further concluded that there was no evidence to suggest that the documented discrepancies were the result of an attempt to commit fraud or theft, but rather human error in misreading and calculating the funds. Consequently, on 12 March 2021, the IOM closed the matter finding there was no indication of fraud or attempted fraud, but noted to the Registrar that these errors raised questions as to the professionalism of the exercise, which could have led to serious consequences for the Court.

B. Evaluation

36. An evaluation is an independent, rigorous, impartial, systematic and objective assessment of the relevance, effectiveness, efficiency, impact and sustainability of an activity, project, programme, strategy, policy, topic, theme, sector, operational area or institutional performance. It considers intended, as well as unintended, positive and negative consequences, and assesses what works well and less well. Its results are intended to be useful for decision-making and overall organisational accountability and learning.

37. During this reporting period, the IOM conducted the following two evaluations it had proposed to the Bureau of the Assembly as part of its proposed work programme: (i) Evaluation of the Interaction of Victims with the International Criminal Court⁴; and (ii) Evaluation of the International Criminal Court Registry’s Strategic Plan 2019-2021⁵.

38. Evaluation planning has also been conducted for preparation of the 2022 evaluation work programme, and an evaluation proposal based on consultations with, and requests from, the Principals, will be presented at the ASP session in December 2021.

⁴ ICC-ASP/17/20, Section L, para. 7.

⁵ An evaluation of the Registry’s Strategic Plan 2019-2021 was included in the Strategic Plan itself and a formal request from the Registrar for the IOM to conduct the evaluation was submitted on 30 April 2021. The Bureau of the Assembly endorsed the request and approved the evaluation on 11 June 2021.

(i) Evaluation of the Interaction of Victims with the International Criminal Court

39. The Evaluation of the Interaction of Victims with the International Criminal Court involved many critical offices that interface with victim related issues, such as the processing of victim application forms and the assessment of psychosocial support, amongst others. The evaluation looked at the interaction of victims with the Court holistically and throughout the stages of the judicial process, including the stage that precedes consideration of opening an investigation. While the evaluation planned for interviewing actual victims, in light of collaboration issues and delays this was unfortunately not possible.

40. Key findings included that while victims have several key entry points to interact with the Court, at different stages of the judicial processes and for different purposes, they may not be very well aware of these. The victims may also come into contact with multiple institutional stakeholders, who may not always have a consistent approach and communication to them. Outreach to communities, while considered critical, operates on a minimum budget and interventions are small scale, with the most vulnerable victims are unlikely to be reached through these. Despite these constraints, the Court has been more active in reaching out to victims at an earlier stage of the judicial process, especially during article 15 processes.

41. In addition, the victim application process has been considerably improved and streamlined since it was first implemented. However, the wait time that victims applying for reparations endure requires much improvement and there is much scope to improve process efficiency among all stakeholders at the Court. More synergies between Organs may also be beneficial for providing psychosocial support to victims.

42. The evaluation highlighted issues that merit improvement, such as the need to have a Court-wide approach to victim engagement, better delineation of roles and responsibilities in relation to the victim identification and application process, and establishing an oversight of counsel for victims. The evaluation report was issued on 30 April 2021 and the IOM notes that the findings of the IER largely align with the findings of this evaluation, especially in relation to the need to have a Court-wide victim engagement strategy. As a result, the President of the Assembly informed the Bureau on 12 May 2021, that she had shared the report with the Heads of Organ and the Trust Fund for Victims, so that the evaluation recommendations may be taken up and considered by the Assembly in the context of substantive discussions of the relevant topics.

(ii) Evaluation of the Registry's Strategic Plan 2019-2021

43. The Bureau of the Assembly endorsed the request of the Registrar to have the IOM conduct an Evaluation of the Registry's Strategic Plan (RSP) 2019-2021 and submit a report on 31 December 2021. The purpose of the evaluation is to assess the institutional results of the RSP 2019-2021. The evaluation will assess the performance of the Registry in achieving the planned results during the strategic cycle, the coherence of the actual results achieved in relation to the RSP 2019-2021, the efficiency with which they were implemented and gender-sensitivity, where applicable. The circumstances under which the Registry has implemented the planned results will be considered, including unforeseen workloads created during the 2019-2021 strategic cycle, such as, among others, the COVID-19 pandemic and the subsequent lessons learned. The evaluation will have a forward-looking element on providing recommendations toward priorities for the 2022-2024 strategic cycle.

44. The evaluation is intended to be useful to the Assembly, its Bureau and also directly to the Registry in planning its next cycle. It is also envisaged that the evaluative information will be useful to the on-going Review Mechanism process considering the IER recommendations.

C. Inspection

45. An inspection is a special, unscheduled, on-the-spot verification of an activity directed towards the resolution of problems which may or may not have been previously identified. No inspection activity was conducted during this reporting period.

D. Other Activities

(i) *Due Diligence Process – Deputy Prosecutor Election*

46. Upon the request of the Presidency of the Assembly and the new Prosecutor, the IOM assisted in the preparation of a due diligence process to ensure that any candidate(s) elected as Deputy Prosecutor would be of “high moral character”, as required by article 42, paragraph 3 of the Rome Statute. In particular, the IOM prepared guidelines and procedures to be followed in the handling and reporting of allegations of misconduct made against any nominated candidate, as well as ensuring, with the assistance of the Security and Safety Section of the Registry, that initial verifications were conducted with respect to any candidates put forward by the Prosecutor to the Assembly. The proposal was tailored to the limited time available to conduct such a process before the elections.

47. The IOM discussed the proposal with the Bureau of the Assembly, and it was adopted after several revisions. The process is currently ongoing.

(ii) *Office of the Prosecutor Panel of Experts*

48. The IOM also assisted the new Prosecutor in establishing a Panel of Experts to advise him with respect to the findings of the IER Report regarding (sexual) harassment and bullying within the Office of the Prosecutor. The IOM assisted in ensuring that any process would be carried out in accordance with the regulatory framework of the Court, including the IOM’s operational mandate, which stipulates that all allegations of unsatisfactory conduct must be referred to the IOM. The IOM also met with the constituted Panel of Experts to provide them with procedural and substantive advice regarding the investigative and disciplinary framework of the Court.

(iii) *Outreach Activities*

49. The IOM took good note of staff concerns raised in the IER Report, specifically apprehensions about reporting misconduct to the IOM, and the fact that many staff did not fully understand the role and nature of the IOM. Accordingly, during the reporting period and continuing from past years, the IOM conducted presentations to over 200 staff members, sometimes in combination with the Staff Union Council, Focal Point for Gender Equality, Disciplinary Advisory Board, or Appeals Board. These presentations also gave participants an opportunity to ask questions. The presentations were conducted with staff from the OTP and Registry, both in Headquarters and Country Offices, and also included one session with Interns and Visiting Professionals. The IOM is also in discussions to conduct similar sessions with Chambers staff, and has also approached the Presidency to conduct an induction session for newly elected judges to make them aware of the IOM mandate.

50. The IOM also assisted the Staff Engagement Team by providing input and technical advice on a new Staff Engagement Survey for consideration by the Principals and eventual implementation, as appropriate.

51. As part of its awareness raising strategy, the IOM has also begun to update its internal website, to provide staff members with easy access to the IOM’s operational mandate, new revised Administrative Instructions, as well as to provide staff members with clear reporting channels and procedure for investigating misconduct.

(iv) *External Collaboration*

52. During this reporting period, the IOM continued to deepen cooperation with counterparts in the UN Common system and international organisations. Notably,

- The IOM participated at the 21st virtual Conference of International Investigators, an annual conference which brings together investigators from international organisations to discuss and exchange ideas and address challenges faced in the professional conduct of investigations work. A number of model guidelines were adopted at this Conference, which will be incorporated in the IOM’s investigative framework.

- The IOM also participated in evaluation networks and, as member of the United Nations Evaluation Group (UNEG), participated in working group meetings on ethics and preparatory work on promulgation of UNEG’s revised Ethical Guidelines. Further, the IOM participation at the biannual strategic meetings of the Hague Evaluation Network, contributed

to planning its strategic review and provided input to discussions on gender perspectives in evaluation practices.

IV. IOM Staffing and Administrative Matters

53. As noted by the IER Report, the IOM continues to face serious human resource constraints for the effective implementation of its mandate. The IOM capacity and resources do not reflect the steady increase and complexity in its workload and this continues to be a challenge to meet its oversight functions. In light of these ongoing resource constraints, the IOM has been unable to conduct any inspections since 2018.

54. The Evaluation function is headed by one staff member at P-4 level, and the IOM has been in contact with the Human Resources Department to see if the Junior Professional Programme (JPO) of the Court could help to support this important function.

55. On the investigation side, while IOM was able to conduct most of its activities remotely during the COVID-19 pandemic, some interference was experienced by the inability to carry out planned field missions, and the IOM relied on staff in Country Offices and external consultants to support its work in the field. As highlighted above, however, the IOM is still unable to respond to all allegations of misconduct as quickly as recommended by best practices, and must prioritize them accordingly, creating a risk for the Court. The arrival of the P-4 Senior Investigator, newly approved in the 2020 programme budget, has been critical. In order to contend with the incoming reports of misconduct, and the complexity of the matters reviewed, the IOM has temporarily opted to leave the P-2 position of Associate Investigator vacant, using these funds to recruit a temporary Investigator at the P-3 level. The experience of a P-3 Investigator permits them to conduct investigations independently, which has assisted in minimizing the response time on investigations. One such investigator was recruited for three months from December 2020 to February 2021, and another from July to December 2021 on a short-term basis.

56. In its 2022 Programme Budget request, the IOM has requested that this position be formalized and granted to the IOM. The IOM provided details in terms of response time to support this request, and provided additional information to the Committee on Budget and Finance (CBF) when it was considering the request. The CBF endorsed the IOM proposal and recommended that an additional position of P-3 Investigator be granted to the IOM on a General Temporary Assistance basis. The IOM is hopeful that the Assembly will be able to follow the CBF recommendation in that respect.

V. Final remarks

55. In accordance with paragraph 39 of the IOM Operational Mandate, the IOM has circulated a draft of this annual report to the Heads of Organs, giving them the opportunity to provide comments for the IOM's consideration. The comments received were duly considered and incorporated in this report where appropriate. As contemplated in the above-referenced paragraph, the Heads of Organ were also informed of the opportunity to provide its views in an annex to the report, and none of the Heads of Organs indicated a desire to do so.
