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## Final audit report on the implementation of a division of external operations

### Table of contents

I.	Terms of reference .....	2
A.	Perimeter.....	2
B.	Aims and objectives.....	2
C.	Methodology and time table .....	2
1.	Documentary analysis .....	2
2.	On-site checks .....	3
3.	Preparation and delivery of the audit report .....	3
II.	List of recommendations.....	3
III.	Findings and recommendations .....	4
A.	Key benefits of implementing a DEO.....	5
1.	General framework of the reorganisation ( <i>ReVision</i> project).....	5
2.	Scope and limitations of functions assigned to DEO .....	5
B.	Overlaps between certain activities of DEO and those of other organs of the Court.....	7
C.	The range of heads of field offices authority .....	7
1.	Areas where functional authority remains linked to the Headquarters.....	8
2.	Field activities related to DEO but beyond the control of the Heads of offices.....	9
3.	Field activities independent from DEO beyond the control of the Heads of offices.....	9
D.	Audit of the Kinshasa Field Office .....	10
1.	Exemplary character of the Kinshasa Office .....	11
2.	Strengths and weaknesses of team integration in the field .....	13
E.	Economic aspects of <i>ReVision</i> .....	16
1.	The question of compliance with the initial financial commitments is no longer relevant.....	16
2.	The question of the conditions for opening, reducing or closing field offices deserves further study.....	17
F.	Follow-up of previous recommendations .....	18
IV.	Conclusion .....	19
V.	Acknowledgements.....	19
Annex I:	List of interviews at Headquarters .....	20
Annex II:	List of interviews carried out in the Kinshasa Office .....	22

## I. Terms of reference

1. In accordance with our notification letter of 3 March 2017, two members of the external audit team conducted a performance audit in May and June 2017 on the establishment of a Division of External Operations (DEO) within the Registry of the International Criminal Court (ICC).

2. The terms of reference for this audit were drawn up after consultation with the officials directly responsible for carrying out this reform and were communicated to them, together with a questionnaire, on 15 March 2017. They are set out below.

### A. Perimeter

3. The audit covers the Division of External Operations, newly created within the Registry, and deals with three areas:

(a) An organic control of the three sections of the Headquarters<sup>1</sup> and the field offices in seven situation countries<sup>2</sup> – this represents a total of around 200 agents<sup>3</sup> and a budget of €24 million for 2017, of which approximately 65 percent are staff costs;

(b) Examination of the functional relationships between the management and other stakeholders within the Registry as well as the Chambers and the Office of the Prosecutor in their own external operations; and

(c) Review of management's activity and its evolution since the implementation of the reform.

### B. Aims and objectives

4. The objective of the audit was to assess the extent to which the priority objectives assigned to the Division of External Operations under the project are achieved or in the process of being achieved at the current stage of implementation of the reform of the Registry (*ReVision* Project) and, where appropriate, to make recommendations. In making these assessments, due regard shall be given to the circumstances that may have affected or delayed the implementation, among which, according to DEO's affirmations, the vacancy rate in the Registry, the context of 2016 budget adopted by the Assembly in order to generate savings, the fact that the Director of the Division of External Operations has been in his post only since June 2016, and that until January 2017, only one post of Head of field office was filled. To this end, the audit focuses on performance in the following areas, ranked in decreasing order of priority:

(a) Improved coordination and consolidation of the Registry's external operations, as well as coordination with the other organs of the Court and support to them;

(b) Strengthened responsibility, presence and activity of field offices; and

(c) Gains obtained by the new organization in terms of economy, efficiency and effectiveness (implementation of the new synergies expected from the reform).

### C. Methodology and time table

5. The audit is based on an initial documentary analysis and on-site checks. It took place in the second half of the first semester of 2017.

#### 1. Documentary analysis

6. The External auditor has gathered all relevant documentation, by consulting the ICC website, or by sending ad hoc questionnaires to the services. A first questionnaire was sent

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<sup>1</sup> External Operations Support, Victims and Witnesses, Public Information and Outreach.

<sup>2</sup> Central African Republic, Ivory Coast, Democratic Republic of the Congo, Georgia, Kenya (under closure), Mali and Uganda.

<sup>3</sup> 192 civil servants and 16 temporary full-time equivalents according to budget for 2017.

to the services in the first half of March, the replies to which were expected by the end of April.

## 2. On-site checks

7. The External auditor has planned:

- (a) A mission to The Hague from Monday 8 May to Friday 19 May 2017; and
- (b) A mission in a field office (Kinshasa) from Monday 29 May to Thursday 1 June 2017.

8. DEO has sent before the audit a list of the main managers concerned by the reform at Headquarters, within and outside DEO. Interviews were organized by DEO.

9. The choice of the field office has been made before mid-March, based on indications provided by the DEO concerning the availability of the Head of the Office on the dates envisaged, as well as the representative character of the activity of the chosen office<sup>4</sup>.

## 3. Preparation and delivery of the audit report

10. Three phases were planned:

(a) Phase 1 (informal - not binding the External auditor or the services): After each of the two on-site checks (Headquarters and field office), a "blank note" has been sent to the audited services, which was expected to make in writing, within a short delay, comments and suggestions for amendments;

(b) Phase 2 (official): Taking into account the comments and suggestions of the services to the blank note, the External auditor has prepared and sent an interim report to the ICC Registrar for clearance;

(c) Phase 3 (official): Taking into account the replies to the interim report, the final report was then prepared and sent to the Registrar of the ICC. It will then be presented to the Assembly of States Parties during the session usually devoted to the External auditor's reports.

11. Phase 1 was expected to be completed by mid-June, Phase 2 by late June and Phase 3 by mid-July. However compliance with this timetable has depended on the responsiveness of the services involved at the various stages of the clearance process.

## II. List of recommendations

**Recommendation no. 1:** When the effects of the *ReVision* project are stabilized, the External auditor recommends that further reflection should be undertaken in order to deepen the synergies between the various organs of the Court in relation to external operations and relations, while at the same time ensuring that basic legal rules are respected, which would, presuppose a more pragmatic and rational, and therefore less dogmatic, approach to the principles of neutrality, independence and confidentiality, approach which currently seems to prevail, even if synergies between different bodies already happened.

**Recommendation no. 2:** The External auditor recommends to deepen the reflection on the role of the central Coordinator of field security and to ensure that he gets the means to fulfil his mission, despite a complex, and uneasy to define, positioning between DEO, Division of Management Services and heads of field offices. On a more ad hoc basis, re-evaluate the subject and format of the Weekly Security Reports required from field offices.

**Recommendation no. 3:** If the suggested interchangeability or even merger of the Outreach and VPR field teams is a complete success, and it will be confirmed at Headquarters level, the External auditor recommends that the current official organizational

<sup>4</sup> DEO officials finally recommended auditing the Field Office of the Democratic Republic of Congo in Kinshasa.

structure should be reviewed by organizing, with precise arrangements defined jointly by DEO and DJS, a functional reporting or communication line between Heads of field offices on the one hand and the VPR section on the other hand, which is currently non-existent and its practical content should be clearly defined.

**Recommendation no. 4:** The External auditor recommends to formalize and rationalize the coordination procedures initially set up being “improvised” by the new Heads of offices (various levels may be envisaged: Standard Operational Procedure, Services Level Agreements, Book of Best Practices...). They should be defined in the framework of bilateral agreements between the Heads of field offices and the other VWS, OTP and TFV, TFV and field offices, in order to institutionalize the access of Heads of field offices to all information in a timely manner regarding the mobilization of local resources without breaching confidentiality or transgressing the principles of neutrality of the Registry or of independence of the Office of the Prosecutor and of the Trust Fund for Victims.

**Recommendation no. 5:** The External auditor recommends to adopt an interim rule applicable in absence of the P-5 Head of a field office.

**Recommendation no. 6:** The External auditor recommends that when, by the end of the first half of 2017, the Office of the Registry sets up procedures for the adjustment of staff, and opening/closing of offices, a strategic field workforce planning be implemented, defining clearly the responsibilities, not only of the Registry, but also of all the organs of the ICC resorting to field office services, in particular OTP and TFV.

### III. Findings and recommendations

12. On the basis of the above-mentioned terms of reference, the priorities of the External auditor were to review:

- (a) The implementation of the *ReVision* project of the Division of External Operations (DEO) and its first effects,
- (b) The reporting in the field offices and the costs, and
- (c) The financial impact of *ReVision* on initial commitments<sup>5</sup>, and more generally.

13. From the outset, it became clear that the audit took place very early in the reform process, and that a balanced assessment could only be made with a hindsight after a longer period.

14. At The Hague Headquarters, the External auditor held 29 hearings with the Presidency, the Chambers, the Office of the Prosecutor, the Trust Fund for Victims and the Registry (both within the DEO and outside the DEO), the heads of the Internal Audit, of the Independent Oversight Mechanism (IOM) and representatives of some Non-Governmental Organizations (NGOs). The list of hearings is given in annex I.

15. At the Kinshasa Field Office in the Democratic Republic of Congo (DRC), the External auditor has held 11 hearings. Six of them involved staff of the Kinshasa Office and five were held by videoconference with agents working or travelling Bunia (DRC) and at the Kampala Office, Uganda. The list of hearings is displayed in annex II. The External auditor also made local contact with the Prosecutor of the Republic of the DRC and various local partners of the Kinshasa Office.

16. As a whole, all these interviews revealed a unanimous positive assessment, both inside and outside the Registry, of two major points resulting from the establishment of the DEO:

- (a) The clarification and consolidation of reporting lines of external activities disseminated within the Registry before the *ReVision*; and

<sup>5</sup> This item had been the subject of an initial review as part of the External auditor's report on the entire *ReVision* project established in 2016. The present report analyzes the new documents prepared by the Registry in response to the recommendations made this occasion.

(b) The strengthening of the position and authority of Heads of field offices.

17. However, a few questions remained unsolved, which are set out below.

## **A. Key benefits of implementing a DEO**

### **1. General framework of the reorganization (*ReVision* project)**

18. Prior to the implementation of the *ReVision* project, ten officials of various grades reported directly to the Office of the Registry. They were the Heads of:

(a) Two divisions: Common Administrative Services, Court Services;

(b) Five sections: Legal Advisory Services, Security and Safety, Field Operations, Counsel Support, Public Information and Documentation; and

(c) Three offices: Public Counsel for Defense (OPCD), public Counsel for Victims (OPCV), Management of Registry Permanent Premises.

19. One of the main objectives of the *ReVision* project was to rationalize this organization by drastically reducing the number of officials reporting directly to the Registrar. This was the subject of a previous overall audit report by the External auditor.

20. The present audit was therefore exclusively devoted to the examination of the measures taken to rationalize the organization of the external operations of the Registry and their initial effects. For the record, the other activities of the Registry are now divided between two divisions (Judicial services and Management services), which means that the total number of officials reporting directly to the Registrar has decreased from ten to four, three at D-1 level and one P-5.

21. In this regard, the new organization merely applies the principles observed in most international organizations, particularly those of the United Nations system. It has essentially put an end and refitted a pre-existing situation that had become deviant, through the accumulation of uncoordinated initiatives and structures over time.

### **2. Scope and limitations of functions assigned to DEO**

22. Of the ten entities listed above, five were acting exclusively in operations or in relations with partners outside the Court (Field Operations, Counsel Support, Public Information and Documentation, Public Counsel for Defence and Public Counsel for Victims).

23. In addition, within the former Court Services Division, two sections were also responsible for operations with external partners - Victim Participation and Reparations (VPR) and Preparation and Protection of Victims and Witnesses (VW) sections.

24. Of these last seven entities (five reporting directly to the Registrar and two housed in the Court Services Division), two were attached to the newly established "Division of External Operations ", namely:

(a) The Public Information and Outreach Section (PIOS), which takes over the competencies of the former Public Information and Documentation Section; and

(b) The Victims and Witnesses Section (VWS), which takes over the Preparation and Protection of Victims and Witnesses.

25. The former section of Field Operations Support (FOS), which reported directly to the Registrar, disappeared. Each of the four field offices - Bangui (Central African Republic), Abidjan (Ivory Coast), Kinshasa (Democratic Republic of Congo) and Kampala (Uganda) - was to be staffed with P-5-level Heads who now report to the Director of the new Division. The Offices of Bunia (DRC) and Bamako (Mali) were respectively placed under the responsibility of the Heads of the Offices of Kinshasa and Abidjan. The Office in

Nairobi (Kenya), which has been downgraded from “office” to “field presence”, had not been staffed with a specific P-5 leader.<sup>6</sup>

26. An External Operations Support Section (EOSS) has been established to ensure the general management of external relations and cooperation, analysis of countries in situation, and coordination/planning of external activities. The Head of the section also directly reports to the Director of the DEO.

27. In total, seven P-5 officials now directly report to the Director of the new Division of External Operations.

28. Four entities operating with external partners within the Registry have not been attached to the DEO but to the Judicial Services Division: three sections which previously reported directly to the Registry - Office of Public Counsel for Defence (OPCD), Office of Public Counsel for Victims (OPCV) and Council Support (CSS), and the Victims Participation and Compensation Section (VPRS) which formerly reported to the Court Services Division. These sections are labelled as “unrevised” in the sense that, apart from the new references to the Judicial Services Division for the first three, they were not affected by the *ReVision* project. Further rationalization, which had been envisaged for some time (for example by merging the CSS and the OPCD on the one hand, and the VPRS and OPCV on the other) would have presupposed an amendment to the Court's Rules of Procedure, but Judges, whose agreements would have been mandatory, were divided on the question.

29. Under these circumstances, in comparison with the situation before *ReVision*, the creation of the Division of External Operations essentially provides three indisputable advantages:

(a) First of all, the DEO allows the International Criminal Court to have a single high-level interlocutor for a large part of the Registry's external operations, which is of interest not only to the Registry itself, but also to the other organs of the Court. Thus, the External auditor was able to observe during the various interviews conducted at the Headquarters, the unanimous satisfaction of the Presidency, the Judges and the Office of the Prosecutor, to have such an interlocutor. The same applies to the various external partners of the Court, met by the External auditor;

(b) The DEO also provides a single focal point for officers working in the field offices, namely the Heads of Offices, a new function assigned to recently recruited P-5 Officials. This system partially puts an end to a situation in which the local teams, housed in the same office, worked “in silo”, taking their orders directly from Headquarters, with no opportunity to properly coordinate their activities, schedules or use of the logistical means on the field. The leadership and coordination role of new Heads of Field Offices is, however, limited: their functional authority extends to only about half of the Court's teams operating in the field, and, even for these teams is sometimes shared with other Headquarters divisions (see *infra*).

(c) The creation of an External Operations Support Section provides the new division with a means of comprehensive reflection and coordination, available to other sections. However, the progress represented by this creation was questioned during some hearings conducted by the External auditor, showing that there were some risks of duplication within the Court regarding the external relations activities of other bodies among the Court, and in particular the Office of the Prosecutor (OTP), or even the Presidency. In this area, the External auditor considers that the legal principles neutrality of the Registry and the independence of the Public Prosecutor's Office and the Support Fund for Victims have mostly prevailed over general considerations of rationalization and economy.

*Finding no. 1:* The extensive hearings carried out by the External auditor with the organs of the Court show that the regrouping and reorganization of the Registry's external operations within a single division, the decentralization of a significant part of the activities of the field offices and the establishment of a new section to support and coordinate the Registry's operations and external relations is well in accordance with the objective of rationalization

<sup>6</sup> In Kenya, only one staff remains (administrative officer P-3) in charge of residual issues.

and effectiveness of the *ReVision* project and are unanimously welcomed by the internal and external interlocutors of the Registry and of the Court.

*Recommendation no. 1:* When the effects of the *ReVision* project are stabilized, the External auditor recommends that further reflection should be undertaken in order to deepen the synergies between the various organs of the Court in relation to external operations and relations, while at the same time ensuring that basic legal rules are respected, which would, presuppose a more pragmatic and rational, and therefore less dogmatic, approach to the principles of neutrality, independence and confidentiality, approach which currently seems to prevail, even if synergies between different bodies already happened.

## **B. Overlaps between certain activities of DEO and those of other organs of the Court**

30. The External auditor has identified the existence of similar functions performed by various organs of the Court, and for which the reasons systematically invoked (Registry's neutrality, independence of the Public Prosecutor's Office and of the Trust Fund for Victims) do not always withstand analysis. In this respect, the External auditor was able to identify the following areas:

(a) Monitoring of ICC's external relations: the Presidency, the Prosecutor's Office and the Registry each have their own external relations services, with the exception of the management of VIPs and protocol, entrusted to a single unit, with general satisfaction, which demonstrates that it is possible to progress in this sector without jeopardizing the independence of the higher organs of the Court;

(b) Cooperation between the components of the Court in cooperation with States (ERSCU<sup>7</sup> in the Registry and JCCD<sup>8</sup> at OTP) could be improved; and

(c) Country analysis - the DEO has seven country analysts, while the Public Prosecutor has three analysts. Though each argues that the analyses are carried out from a different perspective, greater cooperation and mutualisation should be pursued. In the area of security, field testimony illustrated the security risk on specific OTP operations (e.g. locating investigators in the Ituri province of the DRC or local concerns during a drone air-service above cemeteries non-reported to the Head of Office in Uganda), demonstrating the need for better coordination among Headquarters bodies and between Headquarters and Heads of Offices. The safety aspects will be discussed more specifically below.

31. The External auditor noted that the resolution of these issues raised more objections of principle at the highest level (with the exception of the Presidency, which advocates the principle of a "Single Court"), rather than concrete oppositions from Heads of divisions and sections concerned, supporting an increased cooperation between the services of the higher organs of the Court. They notably emphasize the virtuous effect of various federating mechanisms implemented within the DEO, such as the invitations of third parties to "situation country meetings", participation in JTAG<sup>9</sup>-type groups, bringing together participants from various organs of the Court, or even the "external relationship working group" set up at the level of the Presidency. These initiatives aiming at improving the cooperation between the organs of the Court are currently supported at the highest level.

## **C. The range of heads of field offices authority**

32. Globally, the assessed strengthening of the role and status (P-5) of Heads of field offices appeared welcome and sensible, for local field staff as well as for local partners and for their correspondents at the ICC Headquarters. Though, if the Heads of field offices have an administrative authority on the whole of the teams of the field office, this is not true for the functional authority, a material part of which remaining linked to different units of the Headquarters.

<sup>7</sup> External Relations and State Cooperation Unit.

<sup>8</sup> Jurisdiction, Complementarity and Cooperation Division.

<sup>9</sup> Joint Threat Administration Group.

## 1. Areas where functional authority remains linked to the Headquarters

### (a) Security/safety

33. In the area of security/safety, the new system assigns the responsibility to the Head of Field Office, supported by a Field Security Officer (P-3), although this last receives the general orientation and the basic expertise by the Headquarters.

34. At Headquarters, the Security/Safety Section, reporting directly to the Registrar in the former organization, has been attached to the Division of Management Services as part of the *ReVision* project. Nevertheless, a P-4 Officer has recently been recruited in this section and embedded in the DEO (and more specifically in the new External Operations Support Section, in close contact with the Coordination and Planning unit), with the mission of developing the working framework on security/safety outside the Court, and in particular in field offices.

35. However, instructions in field offices are clear: the local Field Security Officers report directly to the Heads of Field offices. The External auditor has observed with the Security Officers of Kinshasa and Kampala that this requirement was applied.

36. By the way, FSO (Field Security Officers P-3) and the heads of the Field Offices should, now and in the future, rely on expertise from the FSCO (Field Security Coordinator P-4), according to his mission.

37. Under these circumstances, the position of the "Coordinator" (FSCO) seconded to DEO is ambiguous in three ways :

(a) Though being "embedded" in one unit of the DEO, his/her reporting hierarchy is a section of the Division of Management;

(b) He/she reports to a double hierarchy: DEO and Division of Management Services;

(c) He/she does not lead a team of his/her own (the rest of the safety/security teams remain housed within a section of the Division of Management Services); and

(d) Neither local Security Officers, nor Heads of the Field Offices report to him/her (obviously, his level is P-4, therefore he/she is in a lower hierarchical position than the Heads of Offices, who are P-5) .

38. It was also confirmed by Field Security Officers interviewed by the External auditor (in Kinshasa and Kampala). While recognizing the need to standardize security/safety procedures and practices on the field, they were not able to specify what they expected from the new Coordinator. This should be clarified when the newly hired FSCO will completely be in charge.

39. Field visits by the External auditor illustrated that the emphasis on compliance with MOSS and MORSS<sup>10</sup> standards required by the United Nations may lead to disregard of practices of other entities (Embassies), even of common sense. There is therefore scope for Field Office Managers to rely on an expertise complementary to that of the Field Security Officers (FSOs), a point that is also addressed by the internal auditor and legitimates proactive action by the Coordinator (FSCO).

40. In a more specific way, field observations lead the External auditor to question the actual relevance of the Weekly Security Reports, required of each Security Officer in the field offices, whose structure and format could be reassessed.

41. Since the coordinator was recently hired (January 16<sup>th</sup> 2017), the External auditor does not have the necessary hindsight to judge whether the coordination on security/safety in the field will have an effective content. He noted, however, that the competence of the coordinator is not restricted to field offices in situation countries but extended to all

<sup>10</sup> MOSS: Minimum Operating Security Standards, and MORSS: Minimum Operating Residential Security Standards are standards defined by the United Nations Department of Safety and Security (UNDSS) for risk management. They are applied by all ICC field offices.



countries, notably in the context of Senior Officials' travels. In that capacity he participated in meetings of the Joint Threats Analysis Group.

*Finding no. 2:* Although the Court's overall security/security function falls under a single section housed in the Administrative Division of the Registry, field Security Officers are under the responsibility of the Heads of field offices, attached to another division (DEO). At the Headquarters, a central Coordinator of security in the field, depends on the Division of Management Services, is embedded into the DEO. While his/her theoretical role is clear (developing the working framework on security on the field), the means at his/her disposal and his/her ability to exercise any authority are less so. However, the External auditor does not have sufficient hindsight to make a definitive assessment of this point. At this stage, his findings in the field led him to question the actual relevance of Weekly Security Reports.

*Recommendation no. 2:* The External auditor recommends to deepen the reflection on the role of the central Coordinator of field security and to ensure that he gets the means to fulfil his mission, despite a complex, and uneasy to define, positioning between DEO, Division of Management Services and heads of field offices. On a more ad hoc basis, re-evaluate the subject and format of the Weekly Security Reports required from field offices.

(b) *Victims Participation and Reparations (VPR)*

42. For reasons that are partly similar to the case of security (two lines of reporting for one single activity), the situation of Victim Participation and Reparations Officers (VPR) is ambiguous. VPR Officers on the Field belong to the staff of the office of Field and, consequently, of the Division of external operations Their activity does not fall within the DEO, but of the Division of Judicial Services (DJS), and the question may arise as to whether or not they are actually under the authority of the new Heads of Office, who do not report to the Judicial Services Division.

43. The resulting situation will be analyzed and clarified in the section of the report dedicated to Kinshasa Office.

**2. Field activities related to DEO but beyond the control of the Heads of offices**

44. As mentioned above, the VWS section was transferred, as part of the *ReVision* project, from the former Court Services Division to the newly established Division for External Operations.

45. However, for reasons of confidentiality and security, Officers in charge of the preparation and protection of victims and witnesses do not report to the Heads of the offices to which they are attached, but directly to the Officers in charge of the "situation units" at Headquarters, under the authority of the Chief of the Victims and Witness Section of the DEO.

46. However, the VWS staff in the Field office is under the administrative authority of the Head of the Field Office.

47. In reality, this vision deserves to be qualified, as will also be specified below, through the presentation of the audit carried out by the External auditor at the Kinshasa Office.

**3. Field activities independent from DEO beyond the control of the Heads of offices**

48. Are concerned, field agents under OTP and TFV relating to organs of the Court, independent of the Registry, and, as a consequence, escaping the authority of the Heads of field offices.

49. The official organizational chart resulting from the implementation of the *ReVision* project strictly respects the principles of independence of the Office of the Prosecutor and of the Trust Fund for Victims, and of neutrality of the Registry.

50. With regard to the Prosecutor's investigations, however, the actual situation on the field is different from what could be expected from a theoretical understanding of the new

organization chart of the Court's services. Indeed, beyond the organic separation between the Registrar and the Prosecutor, one de facto notes complementarities and overlaps between their activities on the field, particularly between Outreach, Victim Presentation and Reparation (VPR), and field investigations (OTP). Unlike the VWS activities, none of these three activities can, in reality, operate autonomously, which implies geographical and calendar strong coordination.

51. The necessity to organize and control the coordination and interdependence of these three field activities, of course, only arises during periods when the Office of the Prosecutor prepares to carry out investigations in a situation country where a field office operates. This is, currently, the case neither in Georgia (no office) nor in the majority of existing field offices (the investigation phase being completed). When there is no local OTP activity, the issue is limited to coordination between Outreach and VPR.

52. But this is currently the case in Kampala, where investigations are underway. During his visit to Kinshasa, the External auditor took part in videoconferences with OTP, Outreach and VPR field agents under the Kampala Office. Therefore, the problem of coordination between the Registry and the Public Prosecutor's Office will be clarified hereinafter, in the audit report concerning the Kinshasa Office.

53. The field officers of the Trust Fund for Victims (TFV) are also independent from the Registry and therefore do not report to the Heads of field offices to which they are attached. In this area as well, the local reality deviates from the theory and, as will be seen below, it appears that the Heads of field offices are entitled to provide real support for TFV activities.

54. It should be noted, however, that the *ReVision* concerned only the Registry because the mandate given by the Assembly of States Parties to the Registrar was to "reorganize and streamline the Registry's organizational structure", setting thus clearly other parts of the Court outside the mandate of the reorganization.

#### D. Audit of the Kinshasa Field Office

55. Before reporting on the findings resulting from the audit of the Kinshasa Field Office, the visited by the External auditor from 29 May to 1 June, it is necessary to bear in mind some budgetary and financial data.

56. The following table, drawn up on the basis of actual budgetary consumption for the year 2016, shows the weight of the office in Kinshasa among field offices, the weight of field offices in relation to DEO expenditures at Headquarters, and the weight of the DEO within the Registry, bearing in mind that the latter itself accounts for about half of the total expenditures of the ICC.

**Table 1: Overall financial data (in M€)**

	<i>Total</i>	<i>Staff</i>	<i>Staff/Total (%)</i>
Total DEO HQ	12.50	7.02	56.16 %
Total DEO FO	5.75	3.26	56.70 %
(of which DRC FO)	(2.00)	(1.30)	65.00 %
<b>General Total DEO</b>	<b>18.27</b>	<b>10.28</b>	<b>56.27 %</b>
Total Registry	70.29	38.12	54.23 %

Source: spreadsheet provided by Registry.

57. This table shows that DEO expenditures:

- (a) Accounted for about one-quarter of the Registry's expenditures in 2016; and
- (b) Were distributed between 2/3 for HQ and 1/3 on Field.

58. The table also shows that, in DEO, as in the Registry as a whole, in 2016, staff costs averaged just over half of total expenditures. The low level of this ratio, compared to the levels generally observed in International organizations (commonly in the range of 70 to 80

per cent), is due both to a large number of vacant posts and to the weight of logistical expenses of the functions exercised by DEO, and more generally by the Registry. However, in 2016, the ratio of staff costs in the DRC offices (65 percent) was significantly higher than the average, both in comparison relation with the Headquarters and other field offices.

59. Field offices in the Democratic Republic of Congo (Kinshasa and Bunia), have the highest budget in 2016, with a total of €2 million, far ahead of those in Uganda (€1 million) and a fortiori of other offices. This is one of the reasons that led the External auditor to select this Office for a field audit. The other reason is set out hereunder.

### 1. Exemplary character of the Kinshasa Office

60. As regards the Democratic Republic of Congo, the Prosecutor opened in 2004 an initial investigation into crimes allegedly committed since July 2002 (date of entry into force of the Rome Statute) by armed groups in Ituri province. In 2008, the Prosecutor extended his investigations to the provinces of North and South Kivu.

61. In this context, two offices were opened in 2005 and in 2006, in the DRC, in Kinshasa and Bunia. The map below recalls the geography of the DRC offices and illustrates the important distance between Kinshasa and Bunia.



62. By the number and the nature of the cases handled, the Kinshasa Office and its annex of Bunia can be considered as pioneers and examples of the concrete activity of the ICC.

63. Six cases have been directly handled by the ICC in the DRC since the opening of the offices:

(a) The first one concerns Thomas Lubanga, former national President of the *Union des Patriotes Congolais* (UPC), convicted of war crimes in March 2012;

(b) The second one concerns Germain Katanga, a former militiaman who has become the Head of the Patriotic Resistance Force of Ituri (FRPI), convicted of crimes against humanity in March 2014. On 24 March 2017, the ICC decided reparations for a total amount of USD 3.75 million<sup>11</sup>. During the audit of the External auditor, a program was still expected to implement the reparations, and decisions remained to be taken on the appeals lodged by the defence, the Office of Public Counsel for Victims (OPCV) and the legal representative of the victims;

(c) The third one concerns Bosco Ntaganda, a Rwandan soldier of the Rwandan Patriotic Army, who has become a general of the DRC army, accused of war crimes and crimes against humanity, whose trial is still ongoing. At this stage, the ICC recognized 2149 relating victims;

(d) The fourth one concerns Sylvestre Mudacumura, commander-in-chief of the rebel forces for the liberation of Rwanda, accused of war crimes. The ICC issued a warrant of arrest in July 2012, but he is still at large;

(e) The fifth case concerns Mathieu Ngudjolo Chui, Colonel of the Armed Forces of the Democratic Republic of Congo, accused of crimes against humanity and war crimes. The verdict was pronounced on 18 December 2012, he was acquitted and he was released on 21 December 2012: the case is now closed; and

(f) The sixth case concerns Callixte Mbarushimana, a Rwandan ethnic Hutu prosecuted for crimes against humanity and war crimes. He was transferred to The Hague in January 2011 and then acquitted on 16 December 2011. The case is also closed today.

64. To these six cases continues to be carried out by the Kinshasa/Bunia Office in various capacities, two should be added. They directly concern Central African Republic, but also, indirectly, in respect of their local implications in the DRC, the offices of Kinshasa and Bunia:

(a) The seventh case, although located in the Central African Republic, concerns a former leader of DRC and a current opponent of DRC President, Jean-Pierre Bemba leader of the Congo Liberation Movement (MLC), one of the main opposition forces. He was convicted of crimes against humanity and war crimes. Two appeals were in progress during the audit of the External auditor; and

(b) Finally, the eighth case also concerns Jean-Pierre Bemba, and four other people, who were prosecuted for violations of the administration of justice and condemned on 19 October 2016. Sentences were handed on 22 March 2017. This judgment was the subject of appeals during the audit of the External auditor.

65. In addition, for the needs for his audit, the External auditor provides an update in the various cases currently as well in DRC as in Uganda, in particular for the office of Bunia, following the arrest of Dominic Ongwen in January 2015.

66. Dominic Ongwen, against whom an arrest warrant for war crimes perpetrated in northern Uganda was issued since 2005, surrendered in January 2015: unlike in DRC, where the investigation phases are reduced, investigations are still conducted on the field by the prosecution in the Kampala Office.

67. The audit of the Kinshasa office, as well as a number of on-site consultations led by videoconference with the ICC teams in Bunia and Kampala, in addition to interviews with local ICC partners, allowed the External auditor to witness some immediate local effects of the implementation of the *ReVision* project.

68. However, these findings can only be provisional, since:

(a) The new head of field office present during our visit, had taken office only since since the beginning of 2017 –for the Offices in Kinshasa and Bunia; and

<sup>11</sup> On this amount, TFV decided to finance repairs to a total value of USD 1 million.

(b) The incumbents of important positions were vacant for an indefinite period (including those of the Administrative Officer and of the VPR Officer).

69. Within these limits, the External auditor was able to make the following observations.

## 2. Strengths and weaknesses of team integration in the field

### (a) Security officers

70. As mentioned above, security officers report directly to the Head of field office, and the content of the recent function of "Field Security Coordinator" in the Headquarters chart remains to be converted. As mentioned above, the position of FSCO was filled in January 2017.

### (b) Outreach and VPR teams

71. It also appears that VPR field teams are totally placed under the control of the Heads of offices in Kinshasa and Kampala. Their interchangeability with the Outreach teams in the framework of the creation of "multidisciplinary" teams, is strongly conceivable and even envisaged through, for example, an automatic relay of each other during vacancies or support from the one to the other in the event of a "peak" of activity.

72. Interviews with Kinshasa and Kampala Outreach officers and an agent of the Office of the Prosecutor in Kampala revealed that there were currently two radically divergent reactions to such an integration among the agents directly (Outreach, VPR) or indirectly (OTP) involved:

(a) Some believe that the Outreach function (disseminating information to prepare local populations to various phases of ICC involvement), based on communication and a strong local personal visibility, is professionally incompatible with the implementation of VPR duties (which consist in helping victims, without exposing them to reactions from their relatives, to fill applications to participate in trials, and in assisting them until the ultimate stage of reparation), which are based on legal and social expertise, and on much discretion; and

(b) Others argue that, even if the problem of confidentiality and discretion arises, it concerns only the most exposed parties to the media (that is to say, the Outreach officers themselves), not the all members of their teams. They therefore consider it desirable to have on the field a strong integration "Outreach/VPR", even if such an integration differs significantly from the headquarters structure, which links the two activities to two different divisions (DEO and DJS).

73. It is not the role of the External auditor to decide on the substantive debate. There is no doubt, however, that if it is viable, the effective introduction of such multidisciplinary could be a valuable source of savings.

74. With regard to the implementation on the field of such a multidisciplinary between the Outreach and VPR teams, the information gathered in Kinshasa and in Kampala (by videoconference) indicates that, as far as the DRC is concerned, a scenario of placing both teams under the responsibility of a single Officer has never been on the agenda of the *ReVision* project. The volume of activities in the DRC is too large to entrust both functions to one single person. Indeed, the main approach in the course of reorganisation was not on a complete merge of the two functions but on the teams being multidisciplinary and therefore interchangeable. On the other hand, the option of a single officer is said to have been considered in only one office so far, namely in CAR.

75. In the case of Kinshasa/Bunia Office, the team led by an Outreach Officer and the team headed by a VPR Officer both keep a professional specialisation. Nevertheless, both teams work closely together, everyone working on his professional dominance when both Officers are present, the present Officer taking over the supervision of all activities in the absence of the other one. As supervisor for both Officers (VPRS and Outreach), the role of the Head of the Office is to oversee the strategies of these two units, bearing in mind the ICC's mandate and how the field office should best contribute to this mandate.

76. However, although it may be too early to confirm such an issue, the External auditor noted that the desired synergy between VPR and Outreach teams might face some difficulties, at this stage, in DRC. Indeed, close collaboration between the VPR and PIOS Sections at the Headquarters level will be necessary in order to carry out this evolution, and the fact that these two sections belong to two different divisions might slow down the process. Multidisciplinary teams can be implemented in the field offices only if it is clearly supported and encouraged by the relevant actors at Headquarters level.

77. For this reason, the External auditor asked the Registry about the extent to which and the manner in which this initiative was supported at the Headquarters level in the framework of the *ReVision* project.

78. The answer obtained is not clear: the main reference produced on this orientation is not extracted from the documentation of the *ReVision* project itself, but from the “Comprehensive Report on the Reorganisation of the Registry of the International Criminal Court”. Paragraph 538 indicates: “*Outreach and Victims’ Participation and Reparations field staff operate in teams. They are all authorised to perform both outreach and victims*”.

79. However, this document does not provide any answer to the question of the necessary collaboration between the VPR and PIOS sections, is presupposed by this orientation. It would not make sense to establish modalities of cooperation on the field, without first checking, if it raises problems at the Headquarters level if it raises problems at the Headquarters level. If the orientation is confirmed, DEO/JSD coordination procedures should be put in place firstly, to ensure its success. The DEO states that a work is underway in this regard.

*Finding no. 3:* The External auditor noticed, on the field, that the option had been taken locally to integrate the Outreach and VPR teams with two possible modalities: either placing both teams under the responsibility of a single officer (which would save a P-3 position and seems to be the option envisaged in some offices), or consider, as in the DRC, that the team led by an Outreach officer on one side, a VPR Officer on the other, have a professional specialisation, but that, depending on the needs and levels of activity, their agents and officers could act on a regular basis in both areas. The information provided by the Registry does not explain how could a corresponding coordination be organized at Headquarters level, between VPRS, which is part of the Division of Judicial Services, and PIOS, which falls under DEO.

*Recommendation no. 3:* If the suggested interchangeability or even merger of the Outreach and VPR field teams is a complete success, and it will be confirmed at Headquarters level, the External auditor recommends that the current official organizational structure should be reviewed by organizing, with precise arrangements defined jointly by DEO and DJS, a functional reporting or communication line between Heads of field offices on the one hand and the VPR section on the other hand, which is currently non-existent and its practical content should be clearly defined.

(c) *Collaboration with local independent teams VWS, OTP and TFV*

80. As mentioned above, considerations of confidentiality (for VWS agents) and independence of the Office of the Prosecutor and the Support Fund (for OTP and TFV agents) led to the situation of field teams escaping the functional authority of Heads of office. Indeed, half of the field staff still reports directly to Headquarters units, as before *ReVision*.

81. Nevertheless, the *ReVision* project and the establishment of P-5 level Heads of field offices (thus equivalent to Heads of sections) created a clearly noticeable coordination dynamic on the field: in Kinshasa, the External auditor attended the weekly meeting, gathering all Officers of the Bureau (or their assistants), without distinction as to their respective hierarchical attachment. There were very concrete discussions on the organization of all the field activities for the next period.

82. The External auditor during the hearings in The Hague, with the Heads of newly recruited field offices, had identified a few isolated situations in which better information

should have been provided by local staff under the authority of the Office of the Prosecutor to Heads of field offices, so as to prevent potential wastage or incidents.

83. Nevertheless, as the External auditor noted in the case of Kinshasa Office, the new Heads of offices seem able to manage this delicate sharing of responsibilities thanks to their experience and professional skill. However, this implies an important managerial investment, time and relational talent, with an uncertainty linked to the turnover of managers and teams.

84. This also raises the question of the exercise of this authority during the vacancy or absence of the Head of office. A standard should be defined on this point and specify who takes over from the Head of office in his absence to dispatch current affairs and ensure permanence: several options are possible (the oldest P-3 of the bureau, Head of a "neighbouring" field office in charge of the interim, the Administrative Assistant, the appointment by the P-5 Head of Office of an agent *intuitu personae*, etc.).

85. In terms of economy, effectiveness and efficiency, the prior approval of Heads of field offices on all local budgetary commitments (with no possible veto concerning VWS, OTP and Trust Fund expenses) would probably be a systematic, and therefore very reliable, way of avoiding duplication of local expenditure. However, the representatives of the Office of the Prosecutor, consulted by the External auditor, were opposed to such a solution, considered not compatible with the principle of the independence of OTP.

86. Nevertheless, the interlocutors of the External auditor of the Public Prosecutor's Office, in particular the Deputy Prosecutor, did not deny the need for the Heads of field offices to have the best possible visibility on expenses in terms of planning and budgets - already common practice in their divisions. According to the Head of the Kinshasa office, the 2018 scenarios were prepared by OTP and shared with the heads of Field Offices in preparation for the 2018 budget.

87. Under these circumstances, the External auditor suggests that formalized, flexible but precise procedures for informing and coordinating planning in the field be implemented, regardless of the hierarchical lines linking certain field staff to the various superior organs and services of the Court.

*Finding no. 4:* In terms of reporting, the coordination of all ICC activities on the field runs counter to the principles of independence of the Office of the Prosecutor and the Trust Fund for Victims and the neutrality of the Registry. Nevertheless, the audit of the Kinshasa office and various consultations show that, in reality, field activities are by nature interdependent, and that in practice, Heads of offices are able to coordinate the planning and use of logistical means by all the local teams, regardless of their attachment to the various organs or services of the Court. However, at the present stage, this coordination is mainly based on a dynamic linked to the recent arrival of P-5 Heads of field offices: without precise documentation, - there is no formal guarantee of the sustainability of this dynamic over the long term.

*Recommendation no. 4:* The External auditor recommends to formalize and rationalize the coordination procedures initially set up being "improvised" by the new Heads of offices (various levels may be envisaged: Standard Operational Procedure, Services Level Agreements, Book of Best Practices...). They should be defined in the framework of bilateral agreements between the Heads of field offices and the other VWS, OTP and TFV, TFV and field offices, in order to institutionalize the access of Heads of field offices to all information in a timely manner regarding the mobilization of local resources without breaching confidentiality or transgressing the principles of neutrality of the Registry or of independence of the Office of the Prosecutor and of the Trust Fund for Victims.

*Finding no. 5:* No rules are currently in place to deal with the vacancy of a Head of office (for leave, illness, accident, departure).

*Recommendation no. 5:* The External auditor recommends to adopt an interim rule applicable in absence of the P-5 Head of a field office.

## E. Economic aspects of *ReVision*

### 1. The question of compliance with the initial financial commitments is no longer relevant

88. When the Assembly of State Parties authorized the Registrar to reorganize and streamline the Registry's organizational structure, no specific demand was made from the reform to produce efficiencies and savings. Nevertheless, a limitative budget envelop (in terms of amounts and established posts) had been decided. After the reorganization, the Registry issued a Comprehensive Report on the Reorganisation of Registry of the ICC (August 2016), in which it claimed that the reorganisation would lead to efficiencies and savings in different areas. The calculations of the Registrar's report on certain points were considered "unconvincing" in the previous report of the External auditor. In the context of the present audit, the External auditor has sought to gather new elements.

#### (a) *Analysis of the answers provided by the Registry*

89. Concerning the cost component, the External auditor has reverted to the reservation made in his report of September 2016 on the estimated staff cost savings induced by *ReVision* estimated by the services at €984,000 "one shot" (non-recurring). It took note of the extensive documentation provided since then on this point and had to analyze it in detail before concluding.

90. One of the major difficulties in terms of cost and budget concerns the scope of the commitment to remain within a zero-growth ceiling, on the basis of the 2015 budget and for the parameters valid in 2015 independently of subsequent growth. The External auditor sought to analyze the details of staff costs on the basis of the new documents transmitted to him during this audit.

91. One of the uncertainties concerns the taking into account of the effects of the change of premises (the point mentioned in paragraph 128 of the previous report) and the treatment of this subject in the initial scope of the *ReVision* project.

92. The Registry estimated the amount of savings in terms of staff costs and efficiency to be €984,000. This sum consisted of two elements:

(a) A reduction in staff costs resulting from a reduction in the number of posts (from 560.4 to 550) to €443 800 in 2015 and estimated at €450.000 in 2016;

(b) A saving of € 534,000 resulting from a lower recruitment of additional security agents than expected, to meet the needs related to the new Headquarters of the ICC (up to eight posts saved through better flexibility and organization of teams).

93. The External auditor acknowledges the translation errors in the French version of the "Comprehensive report on the reorganization of the Registry" submitted to the Assembly of States Parties and the Committee on Budget and Finance in August 2016, and invites the Registry to correct them, in order to dispel the uncertainties involved.

94. The External auditor took note of the replies provided on the justification and documentation of the €443,000 saving from the Registry, in particular in paragraph 23 of the "Comprehensive report on the reorganisation of the Registry".

95. He notes that the economy is based on an overall decrease in the workforce from 560.4 to 550, which was accompanied by the conversion of 65.4 temporary FTE posts into 55 statutory posts, with a total balance of minus 10 jobs, valued at €443,000 (2015 basis).

96. In any case, the External auditor can only stress the methodological limits of this complex reasoning based on:

(a) The use of standard budgetary costs applying to an ICC-wide average, while attempting to measure the cost of a structure representing only about 30 percent to 40 percent of the total workforce, and



(b) The inevitable approximations resulting from an attempt to reconstitute, in hindsight a very theoretical and therefore non-auditable perimeter, aimed at isolating the *ReVision* effects from the other evolutions of the Registry and the ICC.

(b) *Today, the relevance of this question is no longer obvious*

97. In any case, regardless of the judgment on the validity of the estimates proposed by the Registry<sup>12</sup>, the annual budget of the ICC is decided by the Assembly of State Parties. State Parties therefore have overall control over ICC spending.

**2. The question of the conditions for opening, reducing or closing field offices deserves further study**

98. On the field, the External auditor found that one of the major difficulties for Heads of offices was to find ways of adjusting their workforce to the workload, be it in the sense of an increase or a reduction. The solutions adopted are pragmatic, but short-term: some of the Nairobi staff have been transferred to Kampala; a 3-months STA contract will be concluded to ensure the interim of the Administrative Officer in Kinshasa, even though there is no visibility on the duration of the interim period (depending on the response to be given at the request of the incumbent to resume his post at the end of a long sick leave), etc.

99. It is obvious that the Court currently lacks tools to streamline and monitor these situations, knowing that field activities are, by definition, geographically and temporarily shifting.

100. The Field Operations Manual (Article 12.2) lays down general guidelines and principles to accompany downsizing or closure of field offices. Nevertheless, it also indicates, very explicitly, that no strategy has been developed to implement them<sup>13</sup>.

101. At the request of the Committee on Budget and Finance, the Registry prepared a note on April 19, 2017, on the issue of the closure of offices and/or the decline in field activities<sup>14</sup>.

102. The note announced that the procedures for adjusting staffing levels or closing a field office would be included in a Protocol for the Opening, Operation and Closing of Land Offices, the publication of which was announced for the end of the first half of 2017.

103. Concrete cases are not mentioned in the note, but it is clear that the closure of the Nairobi Office (which has recently been replaced by a simple "field presence" provided by a P-3), and for a possible opening, the situation in Georgia. The change in the level of activities and the necessary adjustments in staff are a challenge for all other offices.

104. The elements discussed in the note remain general. They emphasize that the presence and size of a field office should not be limited to the period during which the actions of the Prosecutor and the Defence, but have to be maintained until the process of victims and witnesses' protection and compensation no longer require a presence on the ground. However, this formulation does not shed light on what should be done concretely.

105. It is true that the establishment by the Registry of procedures to regularize the opening and closing of offices is expected and has to be carried out within the time-limits announced. However, it should be ensured that these procedures clearly and precisely define the various responsibilities involved within the ICC, and not only within the Registry, as well as the concrete modalities of stakeholders' involvement.

<sup>12</sup> The Registry highlights the importance of a document on Efficiencies and Savings, which was provided to the External Auditor. The previous EA Report confirms some of these efficiencies and savings; the new efficiencies and savings put forward by the Registry have been disclosed to the EA at the end of the mission, have not been audited.

<sup>13</sup> Art. 12.2 : "although official policy is yet to be developed, from the experience of the Kenya Field Office, an exit strategy should be carefully planned and conducted in close consultation with all relevant organs/sections/units of the Court in order to ensure minimal disruption of ongoing activities (VWS activities, for instance), but also to minimize the impact on external stakeholders, the host State and the environment in a country."

<sup>14</sup> Document CBF/28/25 "Registry report of the field office closure strategy and decreases in field activities in the context of human resources planning".

106. In addition, the note does not address the issue of setting up field-specific staff management tools. The Registry has indicated that a HR strategy is being formulated.

107. It is important that in the next proposals to be made by the Registry, these questions are addressed very concretely, and therefore that they include the possible definition of specific rules on local recruitment, on the possibility of outsourcing and of implementing specific contracts, in relation to statutory recruitments. More generally, it would be necessary to set up a specific strategic workforce planning for field offices.

*Finding no. 6:* The External auditor observes that on the field, in order to cope with increases or decreases in workloads and/or unexpected vacancies, Heads of offices are frequently led to resort to short-term expedients. The reflection requested by the Committee on Budget and Finance on the field offices' adaptation to the volume of activities and the rules governing their opening and closure should lead to concrete proposals from the Registry announced by the end of the first half of 2017. But neither the Field Operations Manual nor the note presented to the Committee on Budget and Finance raises the issue of setting up strategic field workforce planning tools. The Registry has indicated that a HR strategy is being formulated.

*Recommendation no. 6:* The External auditor recommends that when, by the end of the first half of 2017, the Office of the Registry sets up procedures for the adjustment of staff, and opening/closing of offices, a strategic field workforce planning be implemented, defining clearly the responsibilities, not only of the Registry, but also of all the organs of the ICC resorting to field office services, in particular OTP and TFV.

## **F. Follow-up of previous recommendations**

108. Following the performance audit conducted by the External auditor on the *ReVision* project from 19 to 30 September 2016, four recommendations had been issued.

109. As mentioned above, the present audit being performed from 8 May to 1 June 2017, it is still too early to completely assess the degree of implementation of the previous recommendations.

110. The four recommendations were as follows:

*Recommendation 2016-1:* 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.

111. Situation as of 1 June 2017: the Registry considers that the publication of the report as requested by the External auditor was not compatible with the protection of the confidential and personal data it contained. However, it considers that it has published a large number of documents since the implementation of the *ReVision* project, in particular the "Comprehensive report" of August 2016 in its English and French versions available in February 2017.

112. The recommendation can therefore be considered as closed.

*Recommendation 2016-2:* 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.

113. The Registry argues that the production of SOPs and workflows was initiated simultaneously with the implementation of the *ReVision* project, as an inherent component of it.

114. The implementation of the recommendation can therefore be considered in process.

*Recommendation 2016-3:* 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.

115. The Registry indicated that, at this stage, no resort to external consultants or experts had been necessary, and that, if such resort was to be required, attention would be paid to the application of the rules and practices in competition.

*Recommendation 2016-4:* 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.

116. The Registry indicates that, although it has not taken the form of an "ad hoc" note, the recommendation is *de facto* implemented and applied through the documentation submitted to States parties in support of annual budget proposals and discussions, including the explanations and justifications required.

117. The External auditor takes note that the Registry provided explanations on post-reorganization increases in 2016, *Comprehensive Report on the Reorganization of the Registry (paragraphs 32 to 37)*, available in French on the Website since the last audit. The recommendation can therefore be considered as closed.

#### **IV. Conclusion**

118. The External auditor underline some of following points mentioned in the present report:

(a) As a whole, there is a unanimous positive assessment among the major stakeholders of the ICC, both inside and outside the Registry, of two major points resulting from the establishment of the DEO: the clarification and consolidation of reporting lines of external activities disseminated within the Registry before the *ReVision*; the strengthening of the position and authority of Heads of field offices";

(b) Audit took place very early in the reform process, and that a balanced assessment could only be made with a hindsight after a longer period;

(c) There are nonetheless already indications that the new structure is performing better than the old one, as well as concrete examples of efficiencies and savings resulting from the reorganization;

(d) Six recommendations have been made to assist the Registry in further refining and implementing the introduced changes in the DEO; and

(e) Four recommendations from the past audit on *ReVision* have been closed or in process of being implemented.

#### **V. Acknowledgements**

119. The External auditor wishes to express his sincere thanks to the Directors and staff of the ICC for the quality of their welcome and the accuracy of the information they have provided him.

*End of audit observations.*

## **Annex I**

### **List of interviews at headquarters**

#### **A. Presidency**

- Silvia Fernandez De Gurmendi, President of the ICC
- Kimberly Prost, Head of Cabinet, Presidency

#### **B. Chambers**

- Bertram Schmitt, Judge, Chambers
- Chang-ho Chung, Judge, Chambers

#### **C. Office of the Prosecutor**

- James Stewart, Deputy Prosecutor (Prosecution)
- Michel de Smedt, Director, Investigation Division, Office of the Prosecutor
- Phakiso Mochochoko, Director, Jurisdiction, Complementarity and Cooperation Division, Office of the Prosecutor
- Fabricio Guariglia, Director, Prosecution Division, Office of the Prosecutor

#### **D. Trust Fund**

- Pieter de Baan, Executive Director, Trust Fund for Victims

#### **E. Independent Oversight Mechanism**

- Ian Fuller, Head

#### **F. Internal Audit**

- Florence Bole, Director

#### **G. NGOs**

- Mariana Pena, Legal Officer, Open Society Initiative
- Alix Vuillemin Grendel, Senior Legal Officer, Coalition for the ICC

#### **H. Registry**

##### **1. Outside of DEO**

- Philipp Ambach, Chief, VPRS Victims Participation and Reparations Section
- Susanne Seegers, Chief, Human Resources Section
- Kelly Mannix, Chief Information Management Services Section
- Bogdan Alexe, Field Security Coordinator

##### **2. At HQ DEO**

- Christian Mahr, Director, Division of External Operations

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- Jean-Claude Aubert, Chief, External Operations Support Section
  - Nigel Verrill, Chief, Victims and Witnesses Section
  - Cecilia Balteanu, Head External Relations and State Cooperation Unit
  - Hiroto Fujiwara, Head, Country Analysis Unit
  - Bengt-Arne Hulleman, Head, Protocol, Events and Visits Unit, Public Information and Outreach Section
  - Harri Moilanen, Senior Manager, Situation Unit, Victims and Witnesses Section
  - Violeta Curcic, Head, Audio-Visual Production Unit, Public Information and Outreach Section
  - Natacha Schauder, Senior Manager, Services Unit, Victims and Witnesses Section
  - Marcos van Emden, Head, Coordination and Planning Unit, External Operations Support Section

**3. At DEO Field Offices**

- Jelena Vukasinovic, Chief of Field Office Uganda
- Fabienne Chassagneux, Chief of Field Offices DRC
- Nouhoum Sangaré, Chief of Field Office CIV and Mali
- Mike Cole, Chief of Field Office CAR

## **Annex II**

### **List of interviews carried out in the Kinshasa Office**

#### **A. Direct interviews**

- Fabienne Chassagneux, P-5, head of Kinshasa et Bunia Field Offices
- Patrick Midot, P-3, Security Officer at Kinshasa Field Office
- Margot Tedesco, P-3, Outreach Officer at Kinshasa Field Office
- Almustapha Alghafeyet, P-2, “associate team leader” VWS
- Emmanuel Gusu-Wo, G-5, administrative assistant at Kinshasa Field Office
- Richard Kwasu, P-3, Administrative Officer in Bunia (on leave in Kinshasa)

#### **B. Visio-conferences**

- Sorin Horgiden, P-3, Security Officer at Kampala Field Office
- Yves Nkashama, G-5, IT assistant at Kinshasa Field Office (on mission in Bunia)
- Mack Makangu, G-5, VPR assistant at Kinshasa Field Office (on mission in Bunia)
- Maria Kamara, P-3, Outreach Officer at Kampala Field Office
- Sheila Atim, P-3, Investigation OTP officer at Kampala Field Office

#### **C. External interviews**

- Flory Kabange Numbi, General Prosecutor of DRC, CCI focal point in DRC
- Angelun Gabriel Matei, deputy counsellor UNDSS/MONUSCO, Kinshasa

#### **D. Attendance to meetings at Kinshasa FO**

- Outreach Team meeting (Fabienne Chassagneux, Margot Tedesco et Patrick Tchibuyi)
  - Weekly FO meeting Kinshasa (Fabienne Chassagneux, Patrick Midot, Margot Tedesco, Diana Lorenzana on teleconference from Kampala, Almustapha Alghafeyet, Emmanuel Gusu-Wo, Mack Makangu)
-