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**Report of the Audit Committee
on the work of its seventeenth session**

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Executive Summary

1. This report provides a summary of the findings and recommendations of the seventeenth session of the Audit Committee (“AC”) of the International Criminal Court, which was held in The Hague from 6 to 8 March 2023. During its seventeenth session, the AC focused on: (a) ethics; (b) Organizational Manual; (c) oversight of internal audit matters; (d) oversight of external audit matters; (e) risk management; and (e) other relevant matters.
2. Under **ethics**, the AC noted that the Court-wide Ethics Charter is currently ongoing and is expected to be adopted by the Court’s Coordination Council in the second quarter of 2023 and looked forward to the final report at its eighteenth session. The AC welcomed the progress on the Ombudsperson function and observed that other key components of a robust internal justice system needed to be put in place and looked forward to continuing its dialogue with Management in this area.
3. Under the topic of **Organizational Manual**, the AC noted that the Court had conducted a periodic update of the Organizational Manual in the last quarter of 2022 and had issued a revised version that has been published on the Court’s intranet. The AC further noted the Court’s plan to work on the implementation of recommendations 80-82 of the Independent Expert Review in the context of the Registry Strategic Plan 2023-2025 and to reflect this in the Organizational Manual accordingly.
4. As part of its **oversight of internal audit matters**, the AC: (i) noted that by the end of 2022, the Office of Internal Audit (“OIA”) had completed nine out of ten audit assignments of the 2022 audit plan and, as of 28 February, the OIA had finalized two out of nine assignments of the 2023 audit plan; (ii) particularly noted that the Victims and Witnesses Section had not implemented all the terms of the sexual and exploitation policy due to a lack of staff and raised concerns about the reputational risks that this may entail; (iii) noted the lack of clarity on the process of approval or validation of the 2023 draft audit plan although the Office has already started implementing the plan and suggested that the process for approval be improved; (iv) suggested that more systematic and regular engagement between senior leadership and the Director of the OIA would be beneficial; (v) noted the efforts underway to create a more appropriate enabling environment for the OIA’s work by giving it more timely access to information and staff; (vi) suggested that the OIA revisit the classifications used in its presentation of the analysis of outstanding recommendations to more clearly demonstrate where Management would not implement the recommendation as they accepted the risk, and where there was disagreement between the OIA and Management on particular recommendations; (vii) continued its deliberations on the Charter of the Office of Internal Audit, which will continue at its next meeting; and (viii) recommended that the Court finalize the procurement process of the external assessment services for the OIA and provide it with an update at its eighteenth session in July 2023.
5. On the topic of **oversight of external audit matters**, the AC: (i) had an extensive discussion with the External Auditor and Management on the timing of various key steps and the parties involved in the approval of the financial statements. The AC emphasized its role in reviewing the financial statements on behalf of the Assembly and discussed whether the sequence of steps needs to be modified so that the AC can provide its input before the signing of the audit opinion; and (ii) observed that the implementation of the External Auditor’s recommendation on the administrative management of the Presidency and the OTP is in progress and further noted that Presidency and the OTP had acknowledged the need to formally recognize administrative cooperation with the Registry.
6. Furthermore, under **risk management**, the AC requested that it be regularly provided with the minutes of meetings of the Risk Management Committee.
7. Finally, the AC continued to review the AC Charter to ensure that it reflected the current organisational context and was in line with IIA Standards and best practice. The Committee will discuss the reviewed AC Charter with the newly appointed focal point for Budget Management Oversight.

I. Introduction

1. The Audit Committee (“AC”) of the International Criminal Court (“Court”) held its seventeenth session in The Hague from 6 to 8 March 2023.
2. This report summarizes the main outcomes and comments made by the AC at its seventeenth session. The documentation considered by the AC is listed in Annex I to this report.
3. The report of the AC is sent to the Assembly through the Committee on Budget and Finance (“CBF”) and shared with the Management of the Court, the Office of Internal Audit (“OIA”), the External Auditor, and the Independent Oversight Mechanism, for the purposes of information and to follow-up on recommendations. The report of the AC is available on the AC webpage via the following link:

https://asp.icc-cpi.int/en_menus/asp/AuditCommittee/Pages/default.aspx

II. Procedural matters related to the seventeenth session

Election of officers

4. At its first meeting,¹ the AC elected by consensus Mr Fayezul Choudhury (Bangladesh) as Chairperson and Mrs Clarissa van Heerden (South Africa) as Vice-Chairperson for 2023, in accordance with Part F of its Charter.
5. The AC thanked the outgoing members (Mr Samir Abu Lughod, Mrs Elena Sopkova and Mrs Margaret Shava) for their dedication and valuable work and welcomed the new elected members.

Attendance and services for the seventeenth session

6. The AC held six meetings during its seventeenth session. The session was attended by the following members:
 - (a) Mr Fayezul Choudhury (Bangladesh);
 - (b) Mr Werner Druml (Austria);
 - (c) Mr Aiman Ibrahim Hija (Australia);
 - (d) Mr Daniel McDonnell (United Kingdom); and
 - (e) Mrs Clarissa van Heerden (South Africa).
7. The Executive Secretary to the Committee on Budget and Finance, Mr Fakhri Dajani, acted as the Secretary to the Audit Committee and, together with his team, provided substantive and logistical servicing and support.

Adoption of the agenda

8. The AC adopted the following agenda for its seventeenth session:
 - 1) Opening of the session
 - a) Election of officers
 - b) Adoption of the agenda and organization of work
 - c) Participation of observers
 - 2) Ethics
 - a) Update on the Court-wide Ethics Charter

¹ Charter of the Audit Committee, para. 14.

- 3) Organizational Manual
 - a) Update on the inclusion of the Independent Expert Review Recommendations No. 80-82 to the Organizational Manual
- 4) Oversight of internal audit matters
 - a) Implementation of the 2022 Internal Audit Plan (Q3 & Q4)
 - b) 2023 Internal Audit Office Plan
 - c) Update on the implementation status of 2023 Internal Audit Plan (Q1)
 - d) Audit reports of the Office of Internal Audit
 - e) Annual report of the OIA on the implementation of audit recommendations as at 31.12.2022
 - f) Report of the Audit related activities of OIA in 2022
 - g) Report of the Court on the implementation of the internal audit recommendations as at 31.12.2022
 - h) Sixth joint report of the Court and the Office of Internal Audit on action plans for the implementation of the external assessor's recommendations
 - i) Statement of Independence
 - i. Briefing on delays in obtaining or accessing information
 - j) Charter of the Office of Internal Audit
- 5) Oversight of external audit matters
 - a) Presentation by the External Auditor on his 2023 work plan
 - b) Report of the Court on the action plan for implementation of the External Auditor's recommendation on administrative management of the Presidency and the OTP
- 6) Risk management
 - a) Tenth update report on risk management at the Court
 - b) OIA Report on risk management of the International Criminal Court
- 7) Other matters
 - b) Amendments to the Charter of the Audit Committee
 - c) Work plan of the eighteenth session of the Audit Committee

Participation of observers

9. The President of the Court, Judge Piotr Hofmański, delivered the welcoming remarks on behalf of the Court. The Director of the Division of Management Services presented various reports submitted by the Court, and the Director of the Office of Internal Audit summarized the main findings and recommendations of the internal audit reports. The newly appointed Ombudsperson addressed the Committee in closed session.
10. The AC wished to thank all the observers for their presentations, which provided important contextual background for the deliberations of the Committee.

III. Consideration of issues on the agenda at the seventeenth session

Ethics

1. Update on the Court-wide Ethics Charter

11. At its fourth session in 2017, in line with the "One-Court principle", the AC emphasized the need to unite all staff working for the Court around the same values, while acknowledging at the same time that it was reasonable to maintain the existing codes of conduct for specific professions that will be in line with the Court-wide Ethics Charter.

12. At its seventeenth session in December 2018,² the Assembly took note of the External Auditor's recommendation that the Court develop and publish an ethics charter.

13. At its sixteenth session, the Audit Committee noted that the project on the Court-wide Ethics Charter was expected to commence in July 2022 and run until September 2022, followed by a thorough analysis and a proposal to be submitted to the Court's Coordination Council in the fourth quarter of 2022 for validation and adoption in October 2022. The Committee looked forward to the final report on the Court-wide Ethics Charter at its seventeenth session.³

14. The AC had before it the "Update on the development of a Court-wide Ethics Charter."⁴

COMMENTS

15. The AC noted that the Independent Expert Review ("IER") had recommended the creation of an ethics function, which would be consistent with the practice at other organizations and was briefed on various initiatives such as the Values Survey currently underway.

16. The AC was informed that while the completion of a Court-wide Ethics Charter was expected by September 2022, due to the significantly higher number of sections and offices of the Court than anticipated expressing their interest in participating in the project, the initiative is now expected to be completed during the second quarter of 2023.

17. The AC took note of the appointment of the Ombudsperson following the IER recommendations. Typically, the delineation between ethics and Ombudsperson is made very clear. However, the absence of the ethics function will likely increase the workload of the Ombudsperson and blur the distinction between the role of the Ombudsperson function and the ethics function. As such the creation of an ethics office should be considered an important next step in building a robust internal justice system.

18. The Committee noted that while the creation of the ethics function and the Ombudsperson function are important, there are other important components such as the investigation function, human resources' function, whistle blower, protection from sexual exploitation and abuse coordinator, etc. Clarifying the respective roles and linkages is important for a fully functioning system, and one which can be communicated clearly and proactively to staff.

19. **The Audit Committee requested that the Court's management provide it with an update on the Court-wide Ethics Charter and related issues regarding the development of an internal justice system at its eighteenth session.**

Organizational Manual

1. Update on the inclusion of the Independent Expert Review recommendations No. 80-82 to the Organizational Manual

20. At its fourteenth session,⁵ the AC observed that recommendations 80-82 raised in the IER report addressed the coordination between country offices and the Headquarters and recommended that the Organizational Manual should reflect the implementation of those recommendations if they are introduced, and in this context wished to be informed about any pertinent amendments to the Organizational Manual at its seventeenth session.

COMMENTS

21. The AC noted that the Court had conducted a periodic update of the Organizational Manual in the last quarter of 2022 and issued a revised version that is published on the Court's intranet. The AC further noted

² ICC-ASP/17/Res.4, section M, para. 6.

³ AC/16/5, paras. 14 and 15.

⁴ AC/17/16.

⁵ AC/14/5, para. 13.

that the Court was planning to work on the implementation of IER recommendations No. 80-82 in the context of the Registry Strategic Plan 2023-2025 and to reflect this in the Organizational Manual accordingly.

22. **The Audit Committee considered the Organizational Manual⁶ and requested that the Court include a reference as a footnote to cover the roles and responsibilities of the CBF, and the establishment of the post of the Executive Secretary to the Committee on Budget and Finance on page 72 for completeness purposes and looked forward to receiving the updated version at its nineteenth session in March 2024.**

Oversight of internal audit matters

1. Implementation of the 2022 Internal Audit Plan (Q3 & Q4)

23. The AC considered the “Status of Implementation of the 2022 Internal Audit Plan” for the third⁷ and the fourth quarter.⁸

COMMENTS

24. The AC noted that by the end of the fourth quarter of 2022, the OIA had completed nine out of ten audit assignments, and finalized the only advisory service assignment.

25. The AC specifically noted that the OIA examination of the implementation of the sexual and exploitation policy developed by the Victims and Witnesses Section revealed that the Victims and Witnesses Section had not implemented all the terms in this Policy due to a lack of staff. The AC raised concerns about the reputational risks that this may entail.

26. The status of the acceptance of OIA recommendations in its audit reports was discussed. This is commented upon further in Section 4 below.

27. The AC will follow up on these issues at its future sessions.

2. Office of Internal Audit draft work plan for 2023 and update on the implementation status of the 2023 Internal Audit Plan (Q1)

28. The AC had before it the “Draft Work Plan of the Office of Internal Audit for 2023”⁹ and observed that the work plan contained six audit assignments and three advisory services.

29. The Committee noted that as of 28 February 2023, the OIA had finalized two out of the nine assignments of the 2023 audit plan, one of which was part of the 2022 audit plan, and that there had been no progress on the three advisory services planned for 2023.

30. The AC considered the “Status of implementation of the 2023 Audit Plan as per 28 February 2023”.¹⁰

COMMENTS

31. The AC noted that:

- i. There was a lack of clarity on the process of approval or validation for the 2023 draft audit plan, although the Office has already started to implement the plan.
- ii. There is no single focal point responsible for the internal control framework at the Court.
- iii. The Director of the Office of Internal Audit only meets with the Court’s President and Registrar once a year, and never with the Prosecutor. More regular and systematic interaction with senior

⁶ AC/17/14.

⁷ AC/17/3 and AC/17/3-Anx.1.

⁸ AC/17/7 and AC/17/7-Anx.1.

⁹ AC/17/4.

¹⁰ AC/17/20.

leadership would facilitate Court operations being undertaken in the context of a holistic and current view of the state of internal controls and would give credence to the OIA's status as one of the principal independent accountability functions.

- iv. Audit planning presentation would benefit from including the expected time by which the Court will respond and report; splitting staff days between auditing and consulting; and benchmarking the number of OIA staff against various metrics with other UN organizations. The very important area of cyber security is in the audit plan, and the AC encouraged consultation with other UN organisations to understand established practice within the UN system.

32. The AC will continue to follow up on these matters at its future meetings.

3. Audit reports of the Office of Internal Audit

33. The OIA submitted four internal audit reports:

- i. *Audit on the Judicial Workflow Platform identification of user requirements*

34. The audit¹¹ was part of the audit plan of 2021 and its overall objective was to confirm the effectiveness of the controls implemented by the Information Management Services Section as the technical supplier of the project, and by the Court Management Section as the functional owner, to ensure the proper collection of end-user requirements for the implementation of the Judicial Workflow Platform. The audit resulted in four recommendations, two high risk and two medium risk, three of which were accepted by Management.

- ii. *Audit of administrative and financial controls in the Chambers and Presidency*

35. The audit¹² was part of the approved 2022 annual audit plan and the overall objective of the audit was to assess the extent to which administrative and financial procedures conducted for staffing (unapproved General Temporary Assistance and Short-Term Appointment), procurement, and official travels for the Chambers and Presidency comply with the established policies, procedures, and Financial Regulations and Rules of the Court. The audit resulted in four recommendations, two medium risk and two low risk, which were all accepted by Management.

- iii. *Audit of the conditions of detention and treatment of all persons held under the authority of the ICC at the Detention Centre, including Technology installed*

36. The audit¹³ was part of the approved 2022 annual audit plan and its overall objective was to assess whether the recommendations issued by different experts in detention management and the judicial authorities of the Court regarding the conditions of detention were considered and implemented by the Registry. The audit made six recommendations with medium risk, one of which was not accepted by Management as the Auditor recommended following the Dutch system whereas the Court is following international standards.

- iv. *Management of funds of the protection program for Victims and Witnesses*

37. The audit¹⁴ was part of the approved 2023 audit plan and its overall objective was to provide assurance to the Registrar that the Victims and Witnesses Section had implemented effective and efficient internal controls.

¹¹ AC/17/2.

¹² AC/17/15.

¹³ AC/17/17.

¹⁴ AC/17/19.

COMMENTS

38. As regards the four audit reports discussed, the AC noted their content, reviewed the recommendations that had been made and their risk classification, and their status regarding acceptance by Management.

39. The AC discussed the broader issue of the process for agreeing recommendations with Management and how disagreements are reported and ultimately dealt with. This is considered further in Section 4 below.

40. The AC further noted that despite the nature of the Programme for Protection of Victims and Witnesses, the OIA and Management had been able to agree protocols, which balanced the need for confidentiality with an independent assessment of the status of internal controls. The AC commended this effort and encouraged Management to examine other areas where such an approach would enable the OIA to undertake audits in areas where it is currently unable to do so because of confidentiality requirements.

41. The AC will continue to follow up on these matters at its future meetings.

4. Annual report of the OIA on the implementation of audit recommendations as at 31 December 2022

42. The Committee considered the “Annual report of the Office of Internal Audit - Implementation of audit recommendations: situation as at 31/12/2022”.¹⁵

43. The following overview depicts the status of the recommendations issued by the OIA:

Date	Number of recommendations	Status	Comments
1 January 2022	57	In progress	From 18 audit reports issued between 2017 and 2021.
During 2022	42	Issued	Nine recommendations were not accepted by Management.
31 December 2022	76	In progress	From 20 audit reports issued between 2017 and 2022.

COMMENTS

44. The AC commended the level of detailed analysis of the outstanding recommendations.

45. There was an extensive discussion on the current categorization of recommendations by the OIA. Currently, the OIA has closed outstanding recommendations where the period of monitoring has expired and not because the risk has disappeared. This raised important issues regarding how seriously OIA recommendations were taken, and managerial accountability issues where Management ignored recommendations from a recognised institutional authority: if implementing recommendations for Management became optional with no sanction, the institution was left with the residual risk.

46. Management responded that a SOP was established for the work relationship between the Court and the OIA but was not consistently followed.

47. **The Audit Committee recommended that the OIA consider a re-evaluation of the categorization of outstanding recommendations, for example:**

- (1) Recommendation raised;
- (2) Recommendation implemented;
- (3) Recommendation closed;

¹⁵ AC/17/12.

- (4) Recommendation not implemented/risk accepted (with accompanying OIA narrative of the severity of the risk); and
- (5) Recommendation rejected (with accompanying OIA narrative on the nature of the disagreement).

5. Sixth joint report of the Court and the OIA on action plans for the implementation of the external assessor's recommendations

48. Since the AC's ninth session, the Court and the OIA have been submitting an annual report on action plans for the implementation of the external assessor's recommendations.

49. At its fifteenth session, the AC took note of the updated status of the implementation of the recommendations. The AC noted that the outstanding recommendations were related to the ongoing discussions of the Review Mechanism platform and noted that the situation remained unchanged.

50. The Committee considered the "Sixth joint report of the Court and the Office of Internal Audit on action plans for the implementation of the external assessor's recommendations."¹⁶

COMMENT

51. There are two recommendations open that are connected to IER recommendation No. 367 "Charter of the OIA". This matter is discussed further in Section 7 below. The AC will follow up on this matter at its next meeting in July 2023.

6. Statement of independence

52. At its fifteenth session,¹⁷ the AC recommended that the Director of the Office of Internal Audit inform the Management of the Court about any delays in obtaining or accessing information and update the Audit Committee at its seventeenth session as part of the Statement of Independence. The AC considered the "Statement on Independence and Objectivity of the Office of Internal Audit – January 2023".¹⁸

53. The AC noted the OIA's concerns regarding the increasing delays in obtaining information and the limited availability of auditees during the performance of engagements that has severely affected the organization of the work of the auditors, as well as the overall achievement of the yearly work plan. The OIA highlighted the fact that the delays have further increased and considered that all the key stakeholders in the OIA's work should openly discuss these constraints with a view to facilitating the definition of realistic and agreed objectives for the OIA.

COMMENTS

54. According to the Court, cooperation between the different organs has improved since its inception. However, last year there were different challenges especially in the area of implementing the IER recommendations.

55. The AC will follow up on the issue of an appropriate enabling environment for the OIA's important work at its next meeting in July 2023.

7. Charter of the Office of Internal Audit

56. At its fifteenth session,¹⁹ the Committee recommended that the Court update it on the outcome of the review mechanism platform at its seventeenth session on the two outstanding recommendations in relation to the Charter of the Office of Internal Audit.

¹⁶ AC/17/6.

¹⁷ AC/15/5, para. 61.

¹⁸ AC17/02P01.

¹⁹ AC/15/5, para. 57.

57. The Director of the Office of Internal Audit submitted the new version of the OIA Charter for consideration by the AC.

COMMENTS

58. The AC noted that different managers have provided input to the OIA's draft Charter with the next step being for the AC to provide its input before the final approval of the document.

59. The AC discussed at length the draft Charter. As the Charter of the OIA is a key document, the AC will continue its deliberations and provide inputs at its next meeting in July 2023.

8. Status of selecting an external assessor for the internal audit function

60. Standard 1312 (External assessments) of the Institute of Internal Auditors governs the external assessment of the internal audit function: "*External assessments must be conducted at least once every five years by a qualified, independent assessor or assessment team from outside the organization. The chief audit executive must discuss with the board:*

- *The form and frequency of external assessments.*
- *The qualifications and independence of the external assessor or assessment team, including any potential conflict of interest.*"

COMMENT

61. **The Audit Committee recommended that the Court finalize the procurement process for external assessment services involving the Office of Internal Audit and provide it with an update at its eighteenth session in July 2023.**

Oversight of External audit matters

1. Presentation by the External Auditor on his 2023 work plan

62. The representative of the External Auditor presented the workplan for 2023. The work plan included the audit of the financial statements of the Court and the financial statements for the Trust Fund for Victims for the year ended 2022.

63. The External Auditor has to conduct two performance audits as per the contract signed with the Court. The External Auditor has started the first performance audit on "Legal aid", while the second topic will be discussed with the Budget Management Oversight facilitator.

COMMENTS

64. The AC had an extensive discussion with the External Auditor and Management on the timing of various key steps and the parties involved in the approval of the financial statements.

65. The financial statements are signed by the External Auditor and the Court in July before being submitted to the AC. As the role of the AC is to review the financial statements on behalf of the Assembly, the issue arose as to whether this sequence of steps needs to be modified so that the AC can provide its input before the signing of the audit opinion.

66. In addition, the financial statements are submitted to the Assembly five/six months later at the Assembly's session.²⁰ If the role of the Assembly is simply to "receive" or "consent" then the sequence is not problematic. If, however, the role of the Assembly is to "approve" then the question arises as to what

²⁰ Financial Regulations and Rules 12.8: The Registrar, in consultation with the other organs of the Court referred to in article 34, subparagraphs (a) and (c), of the Rome Statute, shall examine the audit reports, including reports referred to in regulation 12.5, and shall forward the financial statements and the audit report to the Committee on Budget and Finance, with such comments on the audit report as they deem appropriate.

additional steps the Assembly might require Management and the External Auditor to take to ensure post balance sheet date events have not materially affected the financial statements they are approving.

67. The AC will revisit the issue at its eighteenth session in July 2023.

2. Report of the Court on the action plan for implementation of the external auditor's recommendation on administrative management of the Presidency and the OTP

68. The former External Auditor issued a single priority recommendation requiring the immediate attention of the Management of the Court on the administrative management of the departments of the Presidency and the Office of the Prosecutor, along with 20 organisational observations, bearing in mind the 384 recommendations already issued by the IER.

69. At its fifteenth session,²¹ the AC considered the audit report on the administrative management of the departments of the Presidency and the Office of the Prosecutor and recommended that the Court update it at its seventeenth session on the implementation of the single recommendation.

70. The AC considered the "Report of the Court on the action plan for implementation of the External Auditor's recommendation concerning the audit of the administrative management of the departments of the Presidency and the Office of the Prosecutor".²²

COMMENTS

71. The AC noted that implementation of the recommendation was in progress and that the Presidency and the OTP acknowledged the need to formally recognize the administrative cooperation with the Registry's administrative functions by designating business partners, where appropriate.

72. The AC further noted that one main business partner had been identified within each organ and the organs agreed that an official memo from the Registrar would be issued to formalize and institutionalize the presence of the business partners for each area.

73. The Audit Committee looked forward to an update by the Court on the implementation of the former External Auditor's recommendation at its nineteenth session in March 2024.

Risk management

1. Tenth update report on risk management at the Court

74. Since the Audit Committee was re-established in 2016, the Court has provided the AC with annual reports on risk management. Throughout 2022, the Court carried out risk management activities following a structured approach, in accordance with the administrative instruction on risk management. The Risk Management Committee ("RMC") engaged with the managers of the Court and collected and considered status updates on risk registers at the operational level. In addition, the RMC liaised with the owners of the Court's strategic risks and updated the Court's risk register.

75. At its fifteenth session, the AC looked forward to receiving an updated report on the new comprehensive review of the risk register at its seventeenth session.²³

76. The AC considered the "Tenth update report on risk management at the Court"²⁴ and noted that the Court's overall operational risk consolidation was updated to include 200 risks. The AC further noted that the Court's Strategic Plan for 2019-2021 was extended into 2022 and that, in 2022, the Court set up a working group tasked with the harmonization of the Strategic Plans for 2023-2025 alongwith risk management and

²¹ AC/15/5, para. 68.

²² AC/17/10.

²³ AC/15/5, para. 71.

²⁴ AC/17/8.

budget matters. The development of a comprehensive risk register, at both strategic and operational levels, is planned for 2023 once the Court's Strategic Plan 2023-2025 is finalized and enters into force.

COMMENTS

77. The AC will consider the evolution of the risk management process and findings as a standing item on its agenda for future meetings.

78. **The Committee requested that it be regularly provided with the minutes of the meetings of the Risk Management Committee.**

2. OIA Report on risk management of the International Criminal Court

79. In accordance with the Charter of the Audit Committee,²⁵ the OIA shall produce a report on management's implementation and maintenance of an integrated and appropriate risk management process within the Court. In compliance with the requirements of Professional Standard 2000 of the Institute of Internal Auditors, the person responsible for the internal audit must provide assurance on risk management.

80. The AC considered the "Report on risk management by the International Criminal Court."²⁶

81. The AC noted that in 2022, nine out of the 42 recommendations raised had been rejected. The Court further noted that there is still progress to be achieved in terms of integrating risk management into operational procedures and specifically into the organisation's internal control systems. These changes require new professional approaches to be implemented and procedures to be reviewed.

COMMENTS

82. While implementing a risk management process is a foundational step, the challenge is to develop a risk management culture across the organisation that is consistent with the risk management appetite.

83. The AC will continue to monitor the evolution of risk management within the organisation at future meetings.

Other matters

1. Amendments to the Charter of the Audit Committee

84. The IER final report included recommendation No. 367 that reads as follows:

"As a work unit located in the Registry, the OIA would more properly report to the Principals rather than to the Audit Committee, a subsidiary of the ASP. This would not prevent the OIA from appearing before the new budgetary control and audit body as required, and responding to its requests. The new body's role towards the OIA would be overseeing the adequacy of the framework set up for the Court's internal audit function, rather than oversight of the substance of the OIA's work."

85. Recommendation No. 367 was positively assessed at the Budget Management Oversight ("BMO") facilitation and the amendment of the Charter is to be decided during 2023. In the view of States Parties, the OIA is a management tool and, thus, the OIA should report internally to the heads of organs of the Court. The AC would ensure that the work of the OIA is performed smoothly, taking into account any issues affecting its work. The AC would remain responsible for overseeing the adequacy of the framework set up for the Court's internal audit function and its independence. The respective roles of the AC and of the Court's Coordination Council should be further developed.

86. At its twenty-first session,²⁷ the Assembly welcomed the initial consideration of the proposed amendments to the Charter of the Audit Committee and requested that the Bureau through the BMO

²⁵ Charter of the Audit Committee, para. 55 (d).

²⁶ AC/17/11.

²⁷ ICC-ASP/21/Res.1, I. Audit, para. 5.

facilitation continue discussions on these amendments in the first quarter of 2023, taking into account both the positive assessment of the relevant recommendation of the Independent Expert Review report as reflected in a separate report submitted to the Bureau of the Assembly on 27 June 2022 by the facilitation, and the subsequent technical deliberations on the determination of the appropriate international auditing standards.

COMMENT

87. The AC continued to review the AC Charter to ensure that it reflected the current organisational context and was in line with the IIA Standards and best practice. The Committee will discuss the reviewed AC Charter with the newly appointed focal point for Budget Management Oversight.

2. Work plan of the eighteenth session of the Audit Committee

88. The AC decided to focus on the following matters during its eighteenth session: management reports, ethics; oversight of internal audit matters; oversight of external audit matters, risk management; and follow-up on previous recommendations.

Annex I: List of documents

Title
Provisional agenda of the seventeenth session of the Audit Committee
Audit on the Judicial Workflow Platform identification of user requirements *
Quarterly status of implementation of the 2022 audit plan (Q3 & Q4) *
Draft Work Plan of the Office of Internal Audit for 2023 *
Sixth joint report of the Court and the Office of Internal Audit on action plans for the implementation of the external assessor's recommendations **
Tenth update report on risk management at the Court and annex - ICC risk register **
Report of the Court on the implementation of internal audit recommendations as at 31 December 2022
Report of the Court on the action plan for implementation of the external auditor's recommendation concerning the audit of the administrative management of the departments of the Presidency and the Office of the Prosecutor **
Report on risk management by the International Criminal Court (January 2023) *
2022 Annual Report on the Implementation of Audit Recommendations *
Report on the Audit Related Activities of the Office of Internal Audit in 2022 *
Report of the Court on its Organizational Manual **
Audit of administrative and financial controls in the Chambers and Presidency *
Update on the development of a Court-wide Ethics Charter *
Final Audit Report - Audit of the conditions of detention and treatment of all persons held under the authority of the ICC at the Detention Centre including technology installed *
Redacted final report of the audit of the management of funds of the protection program for victims and witnesses *
Charter of the Office of Internal Audit *
Status of implementation of the 2023 Audit Plan as per 28 February 2023 *

* Sharing of OIA reports: At its sixth session,²⁸ the Assembly requested that “the Registrar take such appropriate steps as necessary, to ensure access at the Court to the information contained in any particular report prepared by the OIA to any State Party if so requested, and in so doing, take appropriate measures to safeguard confidential or personal information”. All requests for information must be channelled through the Registrar.

** Reports can be checked with the Court.

²⁸ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November – 14 December 2007, (ICC-ASP/6/20), vol. I, part II.C, para. 4.*