

2. Human resources management

Policies and practices

15. Sound and viable human resources management depend on, *inter alia*, the existence of open, equitable and transparent human resources management policies.

16. To this end, the Court Staff Rules represent the broad principles of personnel policy for the staffing and administration of staff members, to be enforced by the Registrar. It is important to note that the Staff Rules are modelled after the 300 series of the United Nations Staff Rules, which are applicable to staff specifically engaged for short-term service and appointments of limited duration. In addition, the recruitment procedures that the Court subscribes to, calls for fairness and transparency in the recruitment process.

17. I found these rules, regulations and procedures to be inadequate in preventing deficient practices such as favouritism, circumvention of the principle of competitiveness and interference with the authority of the Personnel Section.

18. I therefore recommend that management use the Framework for Human Resources Management adopted by the International Civil Service Commission (ICSC) in developing, reviewing and improving its personnel policies and procedures, with a view to making them more comprehensive and transparent. These policies and procedures could be brought together in a human resources management manual.

19. The purpose of this framework is to enable organisations of the United Nations common system to manage their human resources effectively. It could be used to form the basis of the Court's future work on human resources policies and procedures.

Succession planning

20. For the Court to operate effectively, it is imperative that its succession planning process is formalised. The aim of this being two fold:

- a) To ensure that institutional history and memory is preserved in the organisation; and
- b) To ensure that the organisation operates effectively and efficiently in successfully concluding its completion strategy.

21. I have taken note of management's initial interventions in formalising the succession planning of the Court so as to remedy the anxiety of staff members towards the organisation's completion milestones. To this end, I have inspected the draft succession plan and **recommend that the Court transmit it to the Management Committee for consideration.**

Selection processes

22. I found little evidence of a rigorous selection process to best fill staff posts with people who meet the requirements for "the highest standards of efficiency, competence and integrity", as required by article 101 of the United Nations Charter.

23. Based on evidence provided, my review revealed that inadequate recruitment procedures have resulted in a number of staff not being sufficiently qualified for the positions they hold,

especially management positions. Some Court officials holding these positions have neither had previous experience as managers nor specific management training. There has also been an apparent tendency for political considerations and, as part of favouritism, a strong influence on recruitment at P-4 level and above.

24. Recruitment should not be based on word of mouth, but rather by observing objective eligibility criteria. These criteria, as are typically detailed in vacancy announcements, were sometimes overlooked either due to the inadequate screening of applications or due to interference in the process of short-listing, even for lower levels of staff, in the process undermining the Chief of Personnel and her staff.

25. I have taken note of management's observation that the selection process of the Court may not be consistent with the United Nations Staff Rules. Accordingly, its personnel policy seeks to retain staff in critical posts, reduce turnover, provide flexible mechanisms for maintaining appropriate staffing levels across all sections of the Court and provide a framework for reducing non-critical posts during the completion phase.

26. I recommend that management urgently review and enforce the staff selection processes to ensure the recruitment of competent candidates for upper-level posts, where the need for individuals with management and personnel skills is most critical.

27. I also recommend that management should demonstrate rigorous application of the post classification standards set by the International Civil Service Commission.

Interview panels

28. Processes to ensure that interview panels are appropriately constituted and fair and transparent in its decisions do not exist. My review of recruitment files revealed that arrangements for the composition of interview panels were subjective and influenced by senior officials.

29. I also noted a limited application of a scoring system by panel members, in the execution of interviews. Although each panel member would complete a scoring sheet for the candidates interviewed, I could not clearly reconcile the result of these completed sheets to the final selection as per the panel reports.

30. I recommend that procedures regulating the composition of interview panels should be developed as part of the overall review of policies and procedures.

31. I also recommend the full application of a scoring system.

Appointment of Deputy Registrar

32. Article 4 of the Agreement between the United Nations and the Government of Sierra Leone, establishing the Special Court, provides for the Registrar to recruit all support staff, which includes the post of the Deputy Registrar. To this end, the Registrar appointed the current Deputy Registrar (D-2 level).

33. I have considered the letter written by the Registrar to the Chief of Personnel and copied to the President of the Court, detailing the rationale for the decision to appoint the Deputy Registrar without following due process. The latter not only calls for recruitment procedures to be followed, but also for the selection of staff to be made on a competitive basis. I have taken note of the

substantive reasons quoted by the Registrar for not following the selection procedure. In addition, I have taken note of the Management Committee's written support and endorsement of this appointment.

34. However, management has a fiduciary responsibility and obligation to demonstrate to all stakeholders, its compliance with the rules and regulations of the Court in order to ensure fairness and transparency in the recruitment process.

35. I recommend that management should observe the Court's regulatory environment in the recruitment of staff.

Performance appraisal system

36. The performance appraisal system (PAS) was designed to improve overall organisational performance by encouraging a higher level of involvement and motivation and increased staff participation. The system establishes a process for achieving responsibility and accountability in the execution of programmes of the Court.

37. An important function of the PAS is to promote communication between staff and their supervisors on the goals to be achieved and the basis on which individual performance will be assessed, as well as to enhance teamwork in the process.

38. The Staff Rules prescribe that, at minimum, staff members shall receive a performance report prior to the expiration of their appointment. In addition, administrative instruction dictates that a reflection on the supervisors' performance on how competently they manage the performance of their staff must be evident in their performance evaluations.

39. I performed a limited review of the PAS to assess its effectiveness and witnessed a number of weaknesses. These included instances of performance appraisals not being placed on personnel files, a listing of which was brought to management's attention; performance appraisals not being certified by both staff member and supervisor; and mid-year performance appraisals not being performed, as required.

40. I recommend that management take steps to appropriately evidence the timely and complete execution of performance appraisals. Possible steps could include rigorous enforcement of the Staff Rules, certification of performance appraisal documentation by all role-players and the central filing thereof.

3. Non-expendable property

41. The non-expendable property of the Court represents a significant investment of its resources and is valued at US\$7.3 million (2005/06: US\$6.8 million) as per note 5d) to the financial statements. The financial regulations provide that the report of the external auditor should mention, inter alia, any defect in the general system governing supplies and equipment. It also requires that I report on the accuracy or otherwise of the property records, as determined by stocktaking and examination of the records.

42. In my report on the accounts of the Court for the 2004/05 financial year, I reported on a number of shortcomings in the management of and control over non-expendable property. While the actions taken by the Court to address my previous recommendations led to general

improvements in the management of and control over non-expendable equipment, further work needs to be done in this regard. The following still require attention:

a) The Field Asset Control System (FACS) was implemented in 2005 for maintaining property records. However, the maintenance and disposal modules of the FACS have not been implemented, thus negatively affecting the integrity of the FACS database information;

b) While recognising the efforts of the self-accounting units to physically check supplies, equipment and other property, I again noted that the stocktaking results of these units were not consolidated and analysed to address any identified discrepancies in a timely manner; and

c) An attempt to reconcile acquisitions of non-expendable property as per the FACS to acquisitions made as per the statement of income and expenditure, revealed significant differences. Management did not provide me with an adequate response to resolve this matter.

43. I reiterate my previous recommendation that the Court renew its endeavours to improve the management of and control over its assets and the proper recording thereof, as well as to rectify the deficiencies noted in this regard.

44. I again recommend that the Court consolidate and analyse the results of the stocktaking and results of the individual self-accounting units to address any identified discrepancies in a timely manner.

4. Fuel stock

45. The Court stores fuel on- and off-site for use in its motor vehicles and stationery power equipment. To maintain complete and accurate records over the receipt, recording, issue and safekeeping thereof, management developed and installed an expendable database in 2005.

46. However, a breakdown in controls during the period under review resulted in 225,000 litres of fuel not being accounted for. I have taken note of management's undertaking to constitute an investigation panel that will be tasked to investigate the matter and report to the Registrar its findings and recommendation on the missing fuel.

47. I recommend that the Court re-establish the integrity of the expendable database on fuel, strengthen the controls over the receipt and issue thereof and ensures full compliance with the fuel operating procedures.

5. Security arrangements

48. In my previous report, I expressed concern over the safety and security of the Court's premises and personnel. A key concern is the security of the Court's information systems in the event of a disaster. To date, very little if any progress has been made in approving the draft information security policy and developing a disaster recovery and business continuity plan. Management ascribed the situation to capacity constraints and concerns around the feasibility thereof.

49. I reiterate my previous recommendation that the Court should expedite the development and documentation of a formal information technology security policy and a disaster recovery and business continuity plan.

6. Financial management

50. In terms of the Financial Regulations of the Court, the financial period runs from 1 July through 30 June of the following year. To this end, the Registrar prepares a proposed programme budget, which covers income and expenditures for the financial period to which they relate, for approval by the Management Committee. The Registrar then monitors the actual performance of the Court as compared to the approved programme budget and reports thereon to the Management Committee.

51. On request of the Management Committee, the Registrar prepared, in May 2006, a six month budget estimate covering the period July to December 2006. Then, in December of 2006, the Management Committee requested a Completion Budget, which covers the three-year period 1 January 2007 to 31 December 2009. The Management Committee made this request based on a recommendation from an independent expert. The Registrar obliged and the Completion Budget was so approved.

52. The outcome of these events resulted in the financial period of the Court no longer being aligned to its approved programme budget from the 2006/07 financial period onwards, which presented the Administration with the dilemma of aligning the approved budget(s) with the financial period of the Court. In particular, did the preparation of the Status of Allotment Report, as per the 2006/07 financial statements, present difficulties in splitting the 2007 budget into semesters.

53. I recommend that the Management Committee consider aligning the Court's budget period to its financial reporting period so as to achieve improved financial management of the Court.

7. Project management

54. The agreement with the European Commission (EC) to promulgate legacy in Sierra Leone through the implementation of the "Victims Justice & Legacy Project", has reference. In terms of this agreement, the Court received funding to be spent in the agreed project period. During the project period, the Court disbursed and obligated funds. Subsequent to the project period, the Court disbursed a portion of the obligated funds and cancelled the remainder thereof.

55. Management informed that the EC has declined to accept any disbursements made against unliquidated obligations after the agreed-upon project period. In other words, even though the Court had obligated such funds by way of purchase orders, miscellaneous obligation documents, etc. within the project period but only disbursed the funds thereafter, the EC would not accept such obligations and later disbursements. These transactions, to the value of US\$0.2 million, are now disputed.

56. In my experience, the EC does recognise obligations as project expenditure during the life of a project. However, at the conclusion of a project, when the organisation issues a 'final' project report/statement, all obligations should either have been liquidated or alternatively cancelled. The

EC does not entertain the idea that organisations can issue a 'final' project report/statement without all financial matters being concluded (even if it is only effectively the settlement of an obligation incurred prior to project closure).

57. It would seem that the root cause of this dispute lies with the inadequate monitoring of these projects by project managers. It is the responsibility of the latter to ensure that delays in the delivery of goods and services are promptly followed-up. In addition, as soon as project managers realise that project delivery can not be achieved within the agreed-upon project period, this fact should be communicated to the donor in a timely manner, so as to negotiate for extension.

58. I have taken note and support management's decision to further liaise with the EC in reaching a conclusion on these disputed transactions. However, short of providing the EC with a 'final' project report/statement in a timely manner, I consider that the Court has acted within the terms and conditions stipulated by the agreement.

59. I recommend that project managers improve their monitoring of project delivery and that, where the need for the extension of a project period arises, to liaise with donors in good time to prevent any disputed project transactions from occurring.

8. Official travel

60. The significant increase in the Court's travel expenses prompted a limited review of travel authorisations issued. The main objective of my review was to determine whether these expenses could be properly substantiated by the Court, as required by its Financial Regulations and Rules.

61. The review revealed that significant travelling was undertaken by the President, Registrar, Deputy Registrar, Prosecutor, Special Assistant to the Prosecutor and the Project Officer/Liaison Officer, resulting in travel expenses increasing from US\$0.5 million in 2004/05 to US\$1.3 million in 2006/07, respectively. Management ascribed this to the increased fundraising activities of the Court, as well as the Charles Taylor trial being conducted in The Hague.

62. Closer inspection of the travel authorisations revealed many instances where the purpose of the visit was vaguely described as "official", "official consultations", "official visit", "official meetings", "official travel" or "official trip", effectively preventing the certifying and authorising officers from making adequate determinations as to the probity or need of the planned travel activities.

63. I also determined that the Court does not formally require officials to submit travel reports, summarising the objective and outcome of official travel undertaken and for these reports to be circulated for the information of relevant officials. These reports are considered a good practice to not only enforce accountability from officials, but also to foster knowledge-sharing in the organisation.

64. I recommend that management should take steps to ensure that travel authorisation forms completed for purposes of official travel, clearly specify the purpose of the travel undertaken.

65. In addition, management could consider issuing an administrative instruction, providing for travel reports to be completed by officials undertaking official travel. These