



INTERNAL AUDIT DIVISION
OFFICE OF INTERNAL OVERSIGHT SERVICES

RISK ASSESSMENT

**International Criminal Tribunal for the
former Yugoslavia**

**13 February 2008
Assignment No. [AA2007/270/03]**

United Nations  **Nations Unies**

INTEROFFICE MEMORANDUM

MEMORANDUM INTERIEUR

INTERNAL AUDIT DIVISION · DIVISION DE L'AUDIT INTERNE
OFFICE OF INTERNAL OVERSIGHT SERVICES · BUREAU DES SERVICES DE CONTRÔLE INTERNE

TO: Mr. Hans Holthuis, Registrar
A: International Criminal Tribunal for the former Yugoslavia

DATE: 13 February 2008

REFERENCE: AUD-File no. **08-00923**

FROM: Dagfinn Knutsen, Director
DE: Internal Audit Division, OIOS



SUBJECT: Assignment No. AA2007/270/03 - ICTY Risk Assessment

OBJET:

1. I am pleased to present OIOS' risk assessment of the International Criminal Tribunal for the former Yugoslavia (ICTY) which was carried out from October to November 2007 for your information. While we do not require a formal response to this report, you are welcome to discuss any of the issues raised further.
2. OIOS encourages ICTY to use the results of this risk assessment to put in place appropriate risk mitigation measures. OIOS will update the risk assessment periodically, based on subsequent audits or additional information obtained.
3. I take this opportunity to thank the management and staff involved in the risk assessment for the assistance and cooperation provided to the project team in connection with this assignment.

cc: Mr. Swatantra Goolsarran, Executive Secretary, UN Board of Auditors
Mr. Jonathan Childerley, Chief, Oversight Support Unit, Department of Management
Mr. Byung-Kun Min, Programme Officer, OIOS
Mr. Kevin St. Louis, Chief Administrative Officer, ICTY

INTERNAL AUDIT DIVISION

FUNCTION

“The Office shall, in accordance with the relevant provisions of the Financial Regulations and Rules of the United Nations examine, review and appraise the use of financial resources of the United Nations in order to guarantee the implementation of programmes and legislative mandates, ascertain compliance of programme managers with the financial and administrative regulations and rules, as well as with the approved recommendations of external oversight bodies, undertake management audits, reviews and surveys to improve the structure of the Organization and its responsiveness to the requirements of programmes and legislative mandates, and monitor the effectiveness of the systems of internal control of the Organization” (General Assembly Resolution 48/218 B).

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PARTICIPANTS

The OIOS risk assessment team conducted workshops and interviews with the following staff members of ICTY, to gain an understanding of existing organizational relationships, risks, controls and process issues.

Focus Area	Name and Functional Title
Strategic Management and Governance	<ul style="list-style-type: none">• Judge Kevin Parker• Judge Iain Bonomy• Mr. Hans Holthuis, Registrar• Mr. Kevin St. Louis, Chief Administrative Officer
Financial Management	<ul style="list-style-type: none">• Mr. Jorge Benito, Chief, Budget Section• Mr. Michael Sylver, Budget Officer• Mr. Eddie Fung, Chief, Finance Section• Ms. Florence Rafulowitz, Finance Officer• Mr. Joseph Khoreich , Associate Finance Officer• Mr. Max Arana-Moreau, Cashier• Ms. Margie Ebeo, Finance Assistant• Mr. David Fimmers, Finance Assistant• Ms. Sue Martin, Finance Assistant• Ms. Doreen Kulatunga, Finance Assistant
Human Resource Management	<ul style="list-style-type: none">• Mr. Antonie Vermeulen, Chief, Human Resources Section• Mr. Raad Alkhalili, Head, Recruitment, Training, and Examination Unit• Mr. Joseph Binger, Head, Staff Administration Unit• Ms. Marianne Van Bijsterveld, Senior Personnel Assistant• Mr. Raymund Pacis, Personnel Assistant• Ms. Roseanna Pittman, Recruitment Clerk• Ms. Adriana Calixto, Recruitment Assistant
Procurement and Contract Administration	<ul style="list-style-type: none">• Ms. Maribel Aragones-Cacatian, Chief, Procurement Section• Ms. Irene Menjivar, Head, Contract Unit

Focus Area	Name and Functional Title
	<ul style="list-style-type: none"> • Ms. Taryn Bowden, Supervisor, Purchasing Unit • Ms. Dagmar Kindlova, Procurement Assistant • Ms. Dubravka Greguric, Procurement Assistant • Mr. Carl Jurrjens, Procurement Assistant • Ms. Femke Boereboom, Procurement Clerk • Mr. Jan Jabeau, Intern • Mr. Krysztof Kovecki, Intern
Logistics Management Property and Facilities Management	<ul style="list-style-type: none"> • Mr. Jules Albers, Head, Transportation and Logistical Support Unit • Ms. Heather Kilner, Head, Facilities Management Unit • Mr. Anthony Kennedy, Contracts Management Assistant • Ms. Karen Matheson, Protocol Assistant • Ms. Ariadne Verbeek, Travel Assistant • Mr. Nico Kloet, Property Control and Inventory Unit Clerk
Information Technology Management	<ul style="list-style-type: none"> • Mr. David Falces, Chief, Information Technology Support Section • Mr. Gerard Lynch, Head, Information Technology Operations Unit • Mr. Ramesh Thapa, Head, Development Unit • Mr. Robert Harris, Service Desk Manager • Mr. Bassem Malaeb, Computer Information Systems Officer • Mr. Kudzai Kambarami, Development Unit • Mr. Kirk Teran, Information Technology Operations Officer • Ms. Biljana Dimitrovska, Computer Operations Assistant • Mr. Charbel Lallous, Program Management Officer
Programme and Project Management	<ul style="list-style-type: none"> • Ms. Catherine Marchi-Uhel, Head of Chambers • Mr. Philip Dygeus, Legal Officer,

Focus Area	Name and Functional Title
	<p>Trial Chamber I</p> <ul style="list-style-type: none"> • Mr. John Cubbon, Senior Legal Officer, Trial Chamber II • Ms. Linda Strite Murnane, Senior Legal Officer, Trial Chamber III • Mr. Kenneth Roberts, Senior Legal Officer, Appeals Chamber • Mr. John Hocking, Deputy Registrar • Mr. Frederick Swinnen, Special Assistant to the Prosecutor • Mr. Gavin Ruxton, Chief, Prosecution Division • Ms. Moya Magilligan, Head, Trial Support Unit • Mr. Vincent Lunny, Special Assistant to the Deputy Prosecutor and the Chief of Prosecutions • Mr. Peter Kremer, Head, Appeals Section • Mr. Robert Reid, Deputy Chief of Investigations • Mr. Harjit Sandhu, Investigations Team Leader • Mr. Patrick Treanoy, Investigations Team Leader • Ms. Trudie Gillissen, Investigations Team Leader • Mr. Conan Mudannayake, Investigator • Mr. Jon Elford, Intelligence Analyst • Ms. Ivana Kontra, Document Management Assistant • Mr. Sean Corrigan, Head, Information Support Unit • Ms. Geraldine Thatcher, Head, Evidence Unit • Mr. Aleksandar Kowtic, Legal Officer, Transition Team • Mr. Howard Tucker, Head of Mission, Sarajevo Field Office • Mr. Donald King, Deputy Head of Mission, Sarajevo Field Office • Mr. Thomas Osorio, Head of Mission, Zagreb Field Office • Mr. Juha Roine, Operations Officer, Zagreb Field Office • Mr. Christian Rohde, Senior Legal Officer

Focus Area	Name and Functional Title
	<ul style="list-style-type: none"> • Mr. Liam McDowall, Senior Policy Advisor • Mr. Christian Chartier, Senior Information Officer • Mr. Rick Harten, Protection Officer • Ms. Justine Ryan, Administrative Officer • Ms. Hilda Juracic, Administrative Officer • Ms. Kornelija Kirnbauer, Administrative Assistant • Mr. Anthony Hawke, Support Officer • Mr. Nial Raaen, Chief of Court Management Support Section • Ms. Carline Ameerali, Deputy Chief of Court Management Support Section • Mr. Kevin Prendergast, Secretary • Ms. Sonja Frendrup, Court Records Coordinator • Tatjana Rosandic, Court Ushers Coordinator • Mr. Martin Petrov, Head, Office for Legal Aid and Detention Matters • Ms. Anna Osure, Deputy Head, Office for Legal Aid and Detention Matters • Ms. Fiana Reinhardt, Associate Legal Officer • Ms. Mirna Zurzulovic, Administrative Assistant • Mr. Ljubomir Jovanovic, Investigator • Mr. Klaus Hansen, Deputy Chief, UN Detention Unit • Mr. Aidan McNally, Administrative Officer • Mr. Fraser Gilmour, Associate Administrative Officer • Ms. Mary Gavin, Administrative Assistant
Conference and Documents Management	<ul style="list-style-type: none"> • Ms. Christina Zoric, Chief, Conference and Language Services Section • Mr. Philip Hepburn, Head, English Translation Unit • Ms. Eva Pantuso, Head, Reference,

Focus Area	Name and Functional Title
	<p>Terminology and Document Processing Unit</p> <ul style="list-style-type: none"> • Mr. Srdjan Vujica, Translator/Reviser • Mr. Tony Axelrad, Translater/Reviser • Mr. Thea Marion, Administrative Assistant • Mr. Tony Newton, Information Management Officer
Safety and Security	<ul style="list-style-type: none"> • Ms. Bonnie Adkins, Chief, Safety and Security • Mr. Rommel Loveranes, Planner • Mr. Alex de Rijk, Procurement, Budget, and Finance • Mr. Brian Williams, Service Captain • Ms. Carol Webb, Security Investigation Unit • Mr. Steve Bond, Fire and Safety Lieutenant • Mr. Adam DiMenichi, Store Clerk • Mr. David Walker, Information Security

SUMMARY OF RISK RATINGS

The risk assessment identified the following areas as Higher, Moderate and Lower Risk. A summary of the identified risks is shown below. Full details of the identified risks are listed in the Risk Register.

Focus Area	Overall Risk
i. Strategic Management and Governance ii. Programme and Project Management iii. Conference and Documents Management iv. Human Resource Management v. Information Technology Management	Higher Risk
i. Financial Management ii. Procurement and Contract Administration iii. Safety and Security iv. Property and Facilities Management	Moderate Risk
i. Logistics Management	Lower Risk

Risk Assessment of: ICTY

No	Focus Area: Interview/Review Summary (Description of risk)	Strategic Management and Governance		Risk Category	Impact	Overall Risk
		Likely	High			
1	I On-going Operations A(i). Lack of communication of the work and the achievements of the Tribunal to external parties could result in the positive aspects of the Tribunal's legacy being diminished. A(ii). Inadequate communications with diplomatic missions could result in the work of the Tribunal not being disseminated and perceived as not important and meaningful. A(iii). Without NY Headquarters' full support and understanding of the Tribunal's operations, which includes the promotion of the Tribunal as an important UN organization, the operations of the Tribunal could be hindered resulting in the Tribunal not achieving its mandate.	The Tribunal has a media and outreach unit that is responsible for external communications. The website of the Tribunal is also a rich source of information about the Tribunal and its achievements. As the Tribunal may not have done a very good job in marketing itself, the public and member states may not be aware of the work that ICTY has accomplished, which could negatively impact upon support and financial contributions from donors. There is frequent interaction with Headquarters with Department of Management, Office of Legal Affairs, etc.	Likely	High	Higher Risk	

No	Focus Area: Interview/Review Summary (Description of risk)	Strategic Management and Governance			Likely	High	Higher Risk
		OIOS Assessment	Risk Category	Likeli-hood			
1	<p>A(iv). Failure to secure the support of enough states willing to take those persons sentenced / convicted by the ICTY into their prison systems could impact on the completion of the mandate, as the Tribunal lacks enforcement capacity.</p> <p>A(v). The unpredictable time at which accused who were till recently at large come into ICTY custody may burden the Tribunal by causing an increase in the workload, which could ultimately affect the quality of work of the Tribunal.</p> <p>A (vi) Grouping together and treating on the same scale the ICTY and ICTR may result in the uniqueness of the Yugoslavia Tribunal not being recognized, which could affect the legacy of the Tribunal.</p>	<p>The Tribunal, through the Registrar has already negotiated several enforcement agreements with a number of countries and the matter is under constant review to have more countries agree to enforce ICTY sentences.</p> <p>The arrest of the fugitives depends on the cooperation received from countries in the region.</p> <p>While there are some similarities between ICTY and ICTR, the challenges and problems they face are unique.</p>					

Focus Area:		Strategic Management and Governance					
No	Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Likelihood	Impact	Overall Risk	Higher Risk
1	<p>B (i). Lack of accountability of the President, Prosecutor and Registrar to the stakeholders, namely the Security Council and the General Assembly, could result in the Tribunal losing focus or not achieving its mandate.</p> <p>B(ii). High-level personnel changes in the Office of the Prosecutor could affect the operations of the Tribunal.</p> <p>B(iii). The hybrid nature of the law practiced at the Tribunal that tries to balance the common law and civil law systems could cause lack of clarity, delays and higher costs to the Tribunal.</p> <p>B(iv). Insufficient coordination among the three main organs of the Tribunal (the Chambers, the Registry, and the Office of the Prosecutor) may result in inefficiency and lack of smoothness in operations, which ultimately affects the ability of the Tribunal to accomplish its mandate.</p>	<p>The President is required to submit annual report to the Security Council and the General Assembly on the activities of the Tribunal. In addition, the President and the Prosecutor also report every six months to the Security Council on the progress towards the completion strategy. ACABQ reviews the Tribunal request for resources and makes recommendations to the 5th Committee. The Tribunal reports through the Secretary General to GA accounting for the use of its financial resources on a yearly basis.</p> <p>The new Prosecutor will take over from 1 January 2008, the Deputy Prosecutor has announced his intention to leave the Tribunal.</p> <p>The law practiced at the Tribunal is a blend of common and civil law systems.</p> <p>There is a mechanism for high level coordination between the three principal organs in the form of coordination councils that are to be attended by the President, Prosecutor and the Registrar. These meetings are meant mainly for administrative matters and not so much for other issues that need to be settled or decided in Court.</p>	Governance	Likely	High	High	Higher Risk

No	Focus Area: Interview/Review Summary (Description of risk)	Strategic Management and Governance				Likely	High	Higher Risk
			OIOS Assessment	Risk Category	Likeli-hood			
1	B(v). Unequal influence of the three organs in matters such codification and amendments to the Rules of Procedure and Evidence, where the Chambers has a major say, could result in perceived injustices, which would negatively affect the smooth functioning of the Tribunal. B(vi). Chambers may use the grant of legislative or rule making power to strengthen their position vis a vis the other organs in the Tribunal, which could result in perceived injustices which negatively affect the reputation of the Tribunal. B(vii). The finite life of the Tribunal could place pressure on Judges, which might compromise quality of their work by not delivering proper rulings, and could result in inefficiencies and financial losses to ICTY. B(viii). The lack of a formal risk management programme could result in the Tribunal being unprepared for or unable to anticipate and manage risks, challenges and developments impacting on its operations.	The rules of procedures and evidence were drafted before the Tribunal began with power given to Chambers to modify the rules as necessary in consultation with other organs and the defence counsel. It is too late for ICTY to change their system given that they are nearing completion. Though there is a Rules Committee consisting of representatives of the OTP, Registry and the Association of Defence Counsel, in reality at the end of the day the Chambers (Judges) have the final say in most matters. The work performed by judges should not normally be accelerated as they are dealing with substantive legal matters affecting the guilt or innocence in grave crimes.						

1	Focus Area: Interview/Review Summary (Description of risk)	Strategic Management and Governance OIOS Assessment	Likely Risk Category	Likeli-hood Impact	Overall Risk High	Higher Risk
No	E(i). Inherent difficulties in estimating time for defence cases in multi-accused trials could result in inefficient use of the courtrooms, which would hinder the Tribunal from meeting its mandate.	There is a constant effort to meet deadlines and not sacrifice quality at all levels of the Tribunal.	As the cornerstone of the various measures to expedite trials, MATs have saved time and offer obvious advantages. There are however some difficulties in making estimations of time required to process these cases due to the larger number of stakeholders.	Operational	High	Higher Risk
	E(ii). Inadequate understanding that multi-accused trials (MATS) are more vulnerable to delays than individual trials (since the effect of delays is more exaggerated or pronounced) could hinder the operations of the Tribunal and ultimately delay the completion of the mandate. For example, if one accused becomes ill or dismisses their defence counsel, the entire trial can be delayed until the accused recovers or an alternate counsel can be provided.	E(iii). Unavailability of courtrooms may hinder trials from proceeding, as this compels Chambers to hold short sittings and Judges have to be mindful that other trials are also competing for the same space, which could delay completion of the mandate.	The availability of courtrooms is under constant and regular review to ensure effective utilization of slots. There are only three courtrooms, which compels Chambers to hold short sittings and Judges have to be mindful that other trials are also competing for the same space.			
	E(iv). The Tribunal may not be able to cope with the consequences of allowing accused to represent themselves, as permitting self representation could complicate and prolong trials.	E(v). If a pandemic occurs, the operations of the Tribunal could come to a halt.	The Tribunal fully understands the consequences that flow when a defendant plans to represent himself.	In the context of Europe, such an outbreak is unlikely to take place.		

1	Focus Area: Strategic Management and Governance	Likely	High	Higher Risk			
No	Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Likeli-hood	Impact	Overall Risk	
	<p>F(i). The establishment of the Lebanon Tribunal and other international law organizations could result in departure of highly qualified staff as staff may be inclined to leave to explore better and more attractive employment opportunities, which would greatly hinder the operations of the Tribunal.</p> <p>F(ii). Changes among senior leadership positions in the Tribunal (OTP, Chambers and Registry) could lead to other staff departing from the Tribunal. This could hinder or halt ICTY operations, which could be severely detrimental towards the end of mandate.</p> <p>F(iii). Inadequate understanding of the stress levels under which staff have to work, may result in poor quality of work and low employee morale, which could negatively affect the reputation and the legacy of the Tribunal.</p>	The Tribunal has already initiated measures designed to retain staff such as extension of contract until 2009. The Tribunal is limited in what they can do to ensure that staff do not leave.	Human Resources	Likely	High	Higher Risk	
	<p>G(i). Inadequate internal communication between the three organs of the Tribunal (Chambers, OTP, and Registry) could result in inefficient and ineffective operations and ultimately non-fulfillment of the mandate of the Tribunal.</p> <p>G(ii). ICTY could have problems operating its in-house, custom-made software if the knowledgeable staff leave the Tribunal, which would negatively impact operations of all areas that use the software.</p>	Succession planning is not systematically resorted to, as the staff who could have set such plans in place are the very ones that may leave.	Staff welfare issues are addressed by the Registry, and specifically by the Staff Welfare Officer.	Information Resources	Likely	High	Higher Risk

1	Focus Area:	Strategic Management and Governance			Likely	High	Higher Risk	
No	Interview/Review Summary (Description of risk)	OIOS Assessment			Risk Category	Likeli-hood	Impact	Overall Risk
II	Completion Activities				Likely	High	Higher Risk	
A(i). Inadequate monitoring of 11bis cases referred to national jurisdictions could lead to their being returned to the Tribunal, which would delay the Tribunal in meeting its completion targets.	The Tribunal retains its right to recall a referred case if fundamental and basic principles have not been observed. The Prosecutor has the main responsibility of monitoring these cases and this responsibility is discharged on the basis of reports received through the Organization for Security and Cooperation in Europe (OSCE). In ICTY's assessment, it was unlikely that any cases would be recalled by the Tribunal.	Strategy	Possible	High	High	Higher Risk		
A(ii). The complexity and magnitude of cases pending before the Tribunal could result in target deadlines not being met for the completion of trials and appeals (2008 and 2010, respectively).	The arrests of the remaining fugitives depend on third parties as ICTY does not have any authority to arrest individuals.							
A(iii). The non-apprehension and trial before the Tribunal of the fugitives remaining at large, could be viewed negatively and ultimately diminish the achievements of the Tribunal.	Both the President and the Prosecutor report periodically to the Security Council on the progress of the Tribunal in achieving its completion strategy.							
A(iv). The non-observance of the targeted timeframes (2008 and 2010) would result in the legacy of the Tribunal being viewed negatively especially considering that the process has been ongoing since 1994 and still has not been completed.	The Tribunal has identified 12 residual issues and is working towards addressing them. A paper has been prepared and presented to the Security Council.							
A(v). The residual mechanism may not be in place or be inadequate to meet the needs of the Tribunal, which could negatively affect the legacy of ICTY and the manner in which it will be viewed by historians and legal experts.	The Tribunal is aware of possible accessibility issues such as location of the archives and electronic access.							
A(vi). Important records preserved in the archives may not be accessible in the future and this could negatively impact upon the legacy of the Tribunal.								

Focus Area: Strategic Management and Governance		Likely	High	Higher Risk		
No	Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Likeli-hood	Impact	Overall Risk
1	D(i). Member states may restrict the finances provided to the Tribunal if they negatively view the work of the Tribunal if it does not meet the completion targets. D(ii). If the budgets proposed by the Tribunal are not accepted and financial resources not provided in time, the Tribunal may experience difficulties in completing its mandate.	ICTY is requesting additional funding (compared to the previous budget submission) primarily due to changes in the exchange rate, the archiving project, etc.	Financial	Possible	Medium	Moderate Risk

1	Focus Area: Interview/Review Summary (Description of risk)	Strategic Management and Governance OIOS Assessment	Likely	High	Higher Risk
No		Risk Category	Likeli-hood	Impact	Overall Risk
	<p>E(i). Improper conduct of the accused (efforts to stall or delay trials) could result in the Tribunal not meeting its completion dates.</p> <p>E(ii). Inadequate disclosure could delay trials as the opposite party would raise questions about the validity and admissibility of a particular document.</p> <p>E(iii). Unexpected developments such as illness or death of an accused, a judge, or other counsel could result in delays in the cases pending for trial or appeals and into setbacks in the completion of the mandate.</p> <p>E(iv). If a witness was murdered or injured while in the care of the Tribunal, the credibility of the Tribunal would be severely damaged and the case or trial may be hindered.</p> <p>E(v). The limited courtroom capacity could prevent the Tribunal from completing its mandate within the established timeframe.</p>	<p>While the length of the case for the Prosecution can be controlled, the question whether limits can be imposed on the defence is still open, though the Trial Chambers have imposed limits on defence teams as well.</p> <p>The Rules of Procedures and Evidence deal with issues dealing with disclosure of evidence.</p> <p>The health and well being of those under detention is constantly monitored to ensure that they are trial ready when required.</p>	<p>Possible</p>	<p>High</p>	<p>Higher Risk</p>

Focus Area: Strategic Management and Governance		Likely	High	Higher Risk		
No	Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Likeli-hood	Impact	Overall Risk
1	E(vi). ICTY may not be able to renew the contracts and building leases on favorable terms if the Tribunal extends past the estimated completion date, which could halt all operations. E(vii). Archiving of records may not be completed before the completion of the mandate, which would greatly hinder the legacy of the Tribunal.	Leases for the buildings run through to the 2010 estimated completion date. If the Tribunal extends past this date, additional option years would have to be requested, but this cannot go beyond 2012. ICTY has taken steps to ensure that the archives will be completed in the required timeframe. An expert in the area has been hired.				
	F(i). Lack of security of tenure or position could compel staff to leave, which would greatly hinder or halt operations.	ICTY has extended staff contracts to October 2009. The announcement of two-year contracts may not be sufficient to retain staff, and there could be a major exodus with staff departing in large numbers.	Human Resources	Likely	High	Higher Risk

Risk Assessment of: ICTY

No	Focus Area: Interview/Review Summary (Description of risk)	IOVS Assessment	Risk Category	Possible	Medium	Moderate Risk
2	Focus Area: Financial Management		Likeli-hood	Impact	Overall	Risk
1	Accounting and Reporting C(i). Guidance on implementation of IPSAS may not be timely or adequate, which could result in the Tribunal implementing IPSAS with delays or in a different manner as compared to NY Headquarters. D(i). Granting non-UN staff, such as the judges who may not fully comprehend the UN regulations and rules, the authority to spend money could result in payments for unauthorized purposes or items. D(ii). Petty cash may be stolen or misused, which would result in a loss of the Tribunal's resources. D(iii). Inputs into the accounting system may be incorrect if the source document is incorrect, which could result in inaccurate accounts. D(iv). Clearing of Inter Office Vouchers (IOV's) may not be correctly done or processed in a timely manner, which could result in the Finance section records being inaccurate. D(v). Financial statements may not be prepared properly or timely by the Finance Section through the SUN system, which could result in management decisions being made without all necessary information.	Headquarters in NY is to determine when and how to implement IPSAS as well as provide guidance and the tools to implement.	Compliance	Remote	Medium	Moderate Risk
		Judges, non-UN staff, sometimes have the authority to spend UN funds. However, the Registrar must approve expenditures of judges in advance. ICTY stated that the frequency of such incidents happening is remote, the amount involved is very small, and there has not been any incident that resulted in payment of unauthorized purposes or items. Petty cash is kept in various offices. The Finance section performs cash counts and reconciles balances to bank statements. Source documents are reviewed for accuracy. When necessary, clarification is requested. IOV information is verified with source documents.	Financial	Remote	Low	Lower Risk

2	Focus Area: Financial Management	Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Possible	Medium	Moderate Risk
No				Likeli-hood	Impact	Overall Risk	
		E(i). Bureaucratic rules and regulations could hinder the Finance section in carrying out functions that are specific or peculiar to a Tribunal, resulting in inefficient or ineffective operations.	ICTY follows standard UN Financial Regulations and in addition has developed its own set of rules regarding Tribunal-specific issues such as paying amounts to non-staff individuals (defence counsel, victims and witnesses). The internal policies were authorized by Controller.	Operational	Remote	Low	Lower Risk
		F(i). Qualified staff may depart from the Tribunal as completion nears, which could hinder the operations of the Finance section.	Staff retention has been identified by management as a priority.	Human Resources	Possible	Medium	Moderate Risk
		F(ii). Turnover in staff and untrained staff could result in items delayed in recording or not recorded correctly in the accounting system, which could lead to wasted time and efforts in trying to solve problems.	A manual review of recording items is done. Staff need high level knowledge of coding system and procedures.	Information Resources	Possible	Medium	Moderate Risk
		G(i). The current version of the SUN system may not be able to meet IPSAS reporting and accounting requirements and reprogramming Sun system may be problematic, which could hinder ICTY in implementing IPSAS.	ICTY is using a discontinued version of Sun system.	Information Resources	Possible	Medium	Moderate Risk
II	Treasury	D(i). Exposure to fluctuating exchange rates could affect the availability of cash and also possibly impact on operations	The dollar has been declining for a while.	Financial	Possible	Medium	Moderate Risk
		D(ii). Funds available may be insufficient to pay vendors and staff due to incorrect forecasting of requirements, which could halt operations.					

2		Focus Area: Financial Management		OIOS Assessment		Risk Category		Possible	Medium	Moderate Risk	
No	Interview/Review Summary (Description of risk)	D(i). If the Personnel Action form is not received on a timely basis, overpayment could take place when a staff member resigns.	D(ii). If a Personnel Action is delayed and not submitted timely to the Payroll section, an employee may not receive entitlements in a timely manner, which could result in poor employee morale.	F(i). Loss of staff in the Payroll unit could lead to inefficient operations as institutional knowledge would be lost when staff change.	G(i). Information of payroll changes may not be received automatically or timely, which could result in over or under payment to staff.	G(ii). The instability of the Progen payroll system when performing retro-active actions could result in an overpayment with regard to rental subsidies.	A manual check is performed on all retro-active actions.	Human Resources	Possible	Medium	Moderate Risk
III	Payroll	All action taken by the payroll section must be initiated by a Personnel Action form created by Human Resources. For professional staff, overpayments can be recuperated from the entitlement payments.						Financial	Possible	Low	Lower Risk
IV	Vendor and Travel Claims	D(i). Overpayment or a payment in error could happen, which could result in a financial loss to ICTY.	D(ii). A change in the status of a witness (from an expert witness to a fact witness) could result in an overpayment to the witness.	D(iii). Payments to a fictitious witness may occur, resulting in a financial loss to ICTY.	D(iv). Receivables (security deposits, rent for Victims and Witnesses Section) may not be recovered, which would result in a financial loss to ICTY.			Information Resources	Possible	Medium	Moderate Risk
								Financial	Remote	Medium	Lower Risk

2	Focus Area: Financial Management	Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Possible	Medium	Moderate Risk
No				Likeli-hood	Impact	Overall Risk	
		F(i). Staffing may be inadequate to process vendor and travel claims as the Tribunal nears completion, which could result in ineffective operations.	TRIM has been implemented to reduce errors and paperwork. TRIM is an integrated Electronic Document and Records Management Solution capable of managing the full range of corporate information.	Human Resources	Possible	Medium	Moderate Risk
V	Budgeting	C(i). Failure to adhere to stringent reporting requirements commonly insisted on by donors may hinder future donor funding.	The Tribunal is fully aware of the need to comply with donor reporting requirements.	Compliance	Remote	Medium	Moderate Risk
		D(i). If the Tribunal does not receive future regular-budget funding, it could severely impact upon operations and the Tribunal may not be able to function as reliance on extra-budgetary funding typically is difficult.	Extra-budgetary funding is currently less than two percent of the budget but this could change as the Tribunal nears completion.	Financial	Remote	High	Moderate Risk
		D(ii). Requested resources may not be sufficient given the uncertainties pertaining to the Tribunal such as capture of remaining fugitives, slippage in court schedules and departure of key staff.	The budget is prepared based on the present situation and on the basis of assumptions that are known at a particular point in time.				
		D(iii). Possibility of reversion to annual budgets due to uncertainty surrounding the completion of the Tribunal's mandate could create difficulties in planning and signing contracts.	The UN budgets are prepared on a biennium basis.				

2		Focus Area: Financial Management	Possible	Medium	Moderate Risk	
No	Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Likeli-hood	Impact	Overall Risk
	<p>D(iv). Omission to plan and include all required activities in the budget could result in insufficient resources to carry out necessary operations.</p> <p>D(v). Posts could be incorrectly authorized, which would result in expenditures being incurred for purposes other than allotted for.</p> <p>D(vi). Expenditures over the allocated amounts could result in financing activities that were not authorized by the General Assembly and could lead to the Tribunal losing credibility.</p> <p>D(vii). Reverting to annual budgets could create additional work for the finance section as the financial statements are based on a 2-year period and result in inefficient operations.</p>	<p>The budget process is now well established and takes into account all relevant factors.</p> <p>The budget is presented before the ACABQ (Advisory Committee to the General Assembly) and the 5th Committee in UNHQ. Questions raised by the committee are addressed. The 2008 and 2009 budget submissions have been approved without any modifications.</p> <p>As the ICTY strictly complies with the budgetary allocations, it is unlikely that expenditures will be incurred for non-authorized purposes.</p>				

Risk Assessment of: ICTY

3		Focus Area:	Human Resource Management		Possible	High	Higher Risk
No	Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Likeli-hood	Impact	Overall Risk	
1	Recruitment F(i). Inadequate attention to retention programs could lead to high turnover of Tribunal staff, which could hinder or halt the operations of the Tribunal. F(ii). HR could skip the recruitment processes in favor of preferred candidates, which could result in poor quality of recruitment and a lack of transparency and integrity in the recruitment process. F(iii). A perception of back door recruitment may arise as many staff of ICTY especially General Technical Assistance (GTA) staff have undergone less stringent recruitment procedures i.e. no vacancy announcement but their contracts was usually extended repeatedly beyond the usual 11 months for GTA staff. This could result in poor employee morale and dissatisfaction.	In order to encourage staff retention, ICTY has extended staff contracts until October 2009. Various factors and risks were considered when the decision was made to extend the contracts, which added to staff job security and increased employee morale. Other measures have also been taken to encourage staff to stay with ICTY. ICTY proposed to NY headquarters a financial incentive for staff to stay until their posts are abolished.	Human Resources	Possible	High	Higher Risk	
		Loss of staff means the Tribunal loses valuable experience and must reinvest resources to train personnel for completion of their mandate (e.g. if senior trial attorneys or senior legal officers leave during a trial it can have serious impact).					
		UN policies and procedures are adhered to with regards to recruitment.					
		Most regular budget GTA posts are done through a competitive basis. In cases of maternity leave, special leave without pay, long-term sick leave and where funding is only available on short term basis, ICTY recruits locally and outside the competitive process.					

3	Focus Area: Human Resource Management	Possible	High	Higher Risk		
No	Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Likeli-hood	Impact	Overall Risk
	F(iv). Lack of HR monitoring and reference & background checks could result in recruitment of unsatisfactory candidates, which would hinder operations.	Reference and background checks are done regardless of the duration and the type of funding of the post.				
	F(v). ICTY may experience difficulty in recruiting people in the future given the limited life of the Tribunal, which could hinder the Tribunal from completing its mandate.	Recruitment procedures in place should normally ensure the selection of suitable candidates. ICTY understands that as the completion date nears it would become increasingly difficult to find and retain talented staff.				
	F(vi). Difficulty in recruiting may lead to ICTY not meeting the gender and geographical requirements, which could be viewed negatively by member states.	ICTY has implemented exceptional measures to retain staff such as the granting of special post allowance, use of roster candidates for selection without re-advertising, status as internal candidates, etc.				
	F(vii). Gaps may occur between the time an employee leaves and the time that a replacement begins, which could cause disruptions leading to inefficient and ineffective operations.	ICTY is not subject to gender and geographical requirements, yet the Tribunal has a strong record on geographical distribution and gender parity.				
	F(viii). ICTY staff may leave the organization to work for other legal bodies such as the ICC and the other Tribunals such as the Lebanon Tribunal, which could hinder the operations of the Tribunal as it moves towards closure.	GTA allotments are issued on a periodical basis; hence, contracts can only be issued or extended to the limit of the funding sources.				
II	Personnel Administration	The 2008 and 2010 deadlines are the benchmarks against which performance of trials and appeals is measured.	Strategy	Remote	High	Moderate Risk
	A(i). Excessive political pressure and budget constraints (post cuts, downgrading of staff levels) may drive the process rather than independent, strategic and objective planning, which could lead to less than optimal results and impact of the Tribunal.					

3		Focus Area: Human Resource Management		POIOS Assessment		Risk Category	Possible	High	Higher Risk
No	Interview/Review Summary (Description of risk)					Likeli-hood	Impact	Overall	Risk
	B(i). Downsizing of the Tribunal especially in staffing matters may not be seen by all staff as fair and impartial, which could result in poor employee morale which in turn could affect the efficiency and effectiveness of ICTYs operations.	Criteria has been devised that combines seniority and performance. The Staff Council has however recently once again raised some questions regarding downsizing.	Governance	Remote	High	Moderate Risk			
	D(i). Inconsistent application of staff entitlements could lead to subsequent retroactive payments possibly involving large sums and could result in poor employee morale.	The Tribunal follows standard UN HR policies and procedures.	Financial	Remote	Medium	Lower Risk			
	F(i). Use of short-term GTAs in senior positions may result in inappropriate people being given important decision making authority, which could adversely affect the operations of the Tribunal.	The nature of the work of the Tribunal and the fact that it has a mandate that is limited in time makes it unavoidable that GTAs will be used.	Human Resources	Possible	Medium	Moderate Risk			
	F(ii). If the attrition rate decreases dramatically, ICTY could have too many people employed in the closing years of the Tribunal, which would affect the financial resources of the Tribunal.	Based on previous trends, the Tribunal has assessed that the attrition rate is approximately 17 to 18 percent. The financial resources affected would be from 'staffing costs'. ICTY pays particular attention to the staffing table and the staffing budget in order to align appointments accordingly. ICTY envisions meeting the reduction requirements without incurring additional costs by focusing on attrition and affected posts.							
	F(iii). A conservative rating in the e-pas from the ICTY may be viewed negatively by other UN organizations that give more liberal ratings. This could affect ICTY staff in their quest for obtaining future positions after the closure of the Tribunal.	Approximately 60 percent of the staff receive the third rating, "fully successful performance", which means the staff member is performing adequately. ICTY follows the current UN guidelines when evaluating employee performance. There is no evidence that ICTY staff will be penalized for a "fully successful performance".							
	F(iv). The evaluation process may suffer from gender discrimination, non-communication of poor performance, poor performance not adequately documented, absence of formal evaluation standards, lack of good job descriptions with which to evaluate performance, all of which would hinder the efficiency and effectiveness of the organization.								

		Focus Area:	Human Resource Management	Possible	High	Higher Risk	
No	Interview/Review Summary (Description of risk)			Risk Category	Likeli-hood	Impact	Overall Risk
3	Every ICTY employee undergoes induction training on the evaluation process. The UN has policies, procedures, formal evaluation standards, and a rebuttal procedure to ensure that the evaluation process is fair and adequate.	OIOS Assessment					

Risk Assessment of: ICTY

No	Focus Area:	Procurement and Contract Administration	Possible	Medium	Moderate Risk	
No	Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Likeli-hood	Impact	Overall Risk
1	Procurement and Contract Administration	The current delegated authority is for procurements up to \$200,000.	Governance	Possible	Medium	Moderate Risk
	B(i). Inadequate delegation of authority of procurements may hinder the procurement section from servicing its clients in a timely manner. E(i). If the Tribunal continues past 2010, ICTY may be required to negotiate shorter-term contracts that could result in higher prices for the goods and services. E(ii). In the absence of adequate internal controls and oversight, fraud and other risks such as bid rigging, kickbacks, etc. could occur during the procurement process, which could result in loss of ICTY financial resources and also besmirch reputation. E(iii). Inadequate or low vendor response rates could result in higher prices paid or lower quality of goods and services received.	The Procurement Section has negotiated contracts and option years to continue until 2010. Internal controls are in place to minimize the exposure to fraud such as 3-party meetings with vendors, 2-envelope bid system, etc. The procurement section has undergone an audit recently by OIOS, and weaknesses identified are being addressed. The procurement section spares no efforts to ensure the vendor response rate is adequate by inviting more vendors, searching for new vendors, and coordinating with other organizations such as the Organization for the Prohibition of Chemical Warfare and the International Criminal Court.	Operational	Remote	High	Moderate Risk

4		Focus Area: Procurement and Contract Administration					
No	Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Possible	Medium	Moderate	Risk
			Likeli-hood	Impact	Overall	Risk	
	E(iv). If the Tribunal were required to move from the current premises due problems such as extending leases beyond the 2010 completion, the functioning of the Tribunal could be greatly hindered. E(v). Procurement timeliness could be delayed due to the processing and approval time for cases sent to NY Headquarters for approval, which could hinder the operations of the Tribunal. E(vi). Communication problems could arise due to language difficulties where the vendor or supplier speaks only Dutch, which could result in inefficiencies and ineffectiveness.	The main building of the Tribunal has lease options available until 2012. The annex building (beach building) would require substantial renovations if the lease is extended beyond 2009, and the administrative building is available until March 2011. ICTY send procurements to NY Headquarters for approval as required by UN guidelines. A large majority of Dutch people speak English. Also, ICTY has native Dutch speakers on its staff.					
	F(i). Due to the limited life-span of the Tribunal, procurement staff could leave the Tribunal for positions with greater job security. This would result in a loss of institutional memory and reduce the efficiency of the operations of the section.	While some measures have been taken to retain staff, such as awarding of two-year contracts to staff, a retention indemnity has been denied. Given the number of contracts that have options only available until 2012, continuing operations beyond that point would require knowledgeable staff.	Human Resources	Possible	High	Higher Risk	

Risk Assessment of: ICTY

No	Focus Area: Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Likeli-hood	Impact	Overall Risk
5	Focus Area: Logistics Management		Remote	Medium	Medium	Lower Risk
1	Travel and Transportation E(i). Loss or damage of vehicular assets may occur as the vehicles may be stolen, be involved in accidents, or be driven by drivers with different driving styles in a wide range of weather, road conditions, etc., all of which would result in a financial loss to the Tribunal. E(ii). Carjacking in field offices may occur leading to loss of ICTY assets. E(iii). Transfer of cash from the bank to ICTY office could be stolen, resulting in a financial loss to the Tribunal. E(iv). Inadequate planning on the part of the travelers may result in higher ticket prices if they wait till the last moment to book tickets. E(v). Inflexible travel plans and inability to explore alternative options may result in higher fares, etc. E(vi). Excessive or uncontrolled travel could lead to unnecessary expenditure and inability to ensure that value for money is obtained from official travel. E(vii). Lack of competitive selection of the vendor providing travel services may result in the provision of uneconomic or inefficient services.	Driving tests are given before anyone is allowed to drive any UN vehicle.	Operational	Remote	Medium	Lower Risk

5	Focus Area: Logistics Management	Remote	Medium	Lower Risk		
No	Interview/Review Summary (Description of risk)	IOOS Assessment	Risk Category	Likeli-hood	Impact	Overall Risk
	E(viii). Log books for vehicles not systematically maintained may inhibit monitoring and detection of misuse, which could result in inefficient and ineffective operations. E(ix). Incomplete documentation and staff not following directions could result in repeated reiteration of the visa requirements, and ultimately, inefficient and ineffective operations of the section.	Instructions exist that emphasize the need to maintain logbooks and recent audit has shown that with the exception of the Victims and Witnesses Section and the Investigations Division, logbooks are generally properly maintained. The intranet contains the required instructions, and staff are expected to refer to these guidelines.	Operational	Possible	Medium	Moderate Risk
	F(i). Personal injury to staff may occur while operating vehicles, which could negatively affect the Tribunal's operations. G(i). Inadequate and untimely liaison and information flow may occur between the users and logistics/transport functions, which could result in demands not being fulfilled.	Driving tests are given before anyone is allowed to drive a UN vehicle. Requests for use of official vehicles are centrally received in the Transport, Logistics, and Supplies Unit and processed.	Human Resources	Remote	High	Moderate Risk
II	Mail and Pouch	Emphasis on prompt and correct delivery is ensured by adherence to time and dispatch schedules. E(ii). If not properly monitored, inaccurate delivery could occur, which could have disastrous consequences if the document contained sensitive information.	Operational	Remote	Medium	Lower Risk

Risk Assessment of: ICTY

No	Focus Area:	Information Technology Management	Possible	High	Higher Risk	
No	Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Impact	Overall Risk	
1	IT Operations	<p>OIOS has recently carried out a detailed review of IT Management and made several recommendations that have been mostly implemented. Clear strategic guidance endorsed by senior management is now said to be in place. However the Tribunal is still lacking a plan with specific information such as the date of the field offices closing, the date of the Beach building closing, the specific video format the court records should be digitized to etc., which would allow for ITSS to better plan the use of its resources.</p> <p>A(i). A lack of clear and well enunciated tactical plan featuring concrete and time-bound objectives for the substantive and related activities of the Tribunal may lead to IT support being provided in a less efficient or effective manner.</p> <p>A(ii). Due to deficiencies in planning, ITSS may not be able to respond adequately and quickly enough to changes in the completion strategy, due to the time required for procurement of the services or equipment, etc., which could hinder the Tribunal's operations.</p>	Strategy	Possible	High	Higher Risk
	<p>B(i). In respect of Business Continuity and Disaster Recovery, if clients do not define their expectations or enunciate their requirements, ITSS may not be able to properly service their needs, which could hinder operations.</p> <p>B(ii). If an appropriate mechanism is not in place to handle the operational aspects of the archives, the functioning of the archives after the closure of the Tribunal may be negatively affected, which would in turn affect the legacy of the Tribunal.</p>	Governance	Possible	Medium	Moderate Risk	

6		Focus Area: Interview/Review Summary (Description of risk)		Information Technology Management		Possible	High	Higher Risk
No		OIOS Assessment		Risk Category	Likeli-hood	Impact	Overall Risk	
	D(i). Uncertainty in future funding may lead to ITSS being unable to commence longer-term projects such as maintenance contracts and may hinder proper advance planning for procurements and upgrades, which could ultimately result in inefficient and ineffective operations.	All of the procurement contracts and systems are based on the 2010 estimated completion date. If the Tribunal continues significantly past that date, additional resources will be required to extend the useful life of the IT infrastructure.	Financial	Possible	High	Higher Risk		
	D(ii). If the Tribunal continues beyond the 2010 estimated completion date, major financial investments may be required to maintain the satellite system and other critical systems, resulting in huge expenditures.	ITSS is still operating on the assumption that the Tribunal will close its doors by 2010.	Operational	Possible	High	Higher Risk		
	E(i). Inadequate time to plan and inadequate resources could result in ITSS not being able to properly service the archiving function, which would ultimately affect the legacy of the Tribunal.	The recent budget has allocated \$3 million to the archiving project.	Operational	Possible	High	Higher Risk		
	F(i). Given the date-mandated staffing reductions built into the budget, taken in counterpoint with the uncertainty in the completion of trials, staff resources may be insufficient given the trial schedule and this may hinder ITSS from adequately supporting the Tribunal, which could delay the overall operations of the Tribunal.	As the Tribunal nears the completion of its mandate, staff have begun to leave key positions for more secure, longer-term positions. In order to retain staff, ICTY has implemented several exceptional measures to encourage staff to stay until the end of the mandate.	Human Resources	Possible	High	Higher Risk		
	F(ii). The loss of knowledge and experience may be difficult to replace as staff leave the Tribunal, which would in turn affect the ability of ITSS to service the Tribunal. For example, if staff with the expertise to operate and maintain specialized systems (i.e. the satellite systems) leave the Tribunal, errors or extended downtime in the operations or maintenance of those systems could negatively affect the work of various sections in the Tribunal.							

6		Focus Area: Information Technology Management				Possible	High	Higher Risk
No	Interview/Review Summary (Description of risk)	OIOS Assessment		Risk Category	Likeli-hood	Impact	Overall	Risk
	G(i). If unauthorized access to the IT systems is gained, sensitive or confidential information could be used inappropriately, which could negatively affect the reputation of the Tribunal. G(ii). If the IT system experiences operational issues or outages and access to information resources and databases cannot be ensured, the functioning of the Tribunal may come to a halt.	ITSS began the ISO 2700 process but did not complete it as the manager in charge of the project left the Tribunal, and the Headquarters staff member overseeing the project from NY also left his position. With respect to the Business Continuity and Disaster Recovery, ITSS has requested client expectations be defined in order for ITSS to be able to meet those needs.	Information Resources	Possible	High		Higher Risk	
II	IT Training	The training unit will commence downsizing at the end of 2008 and will complete its work by the end of 2009, after which point, all relevant training will need to have been developed for and administered via the self-paced, on-line format.	Strategy	Possible	Low		Lower Risk	
	(A). If the training unit of ITSS is eliminated, ITSS may not be able to appropriately train new staff coming into the Tribunal, which could affect the overall functioning of the Tribunal.	After the end of 2009, all relevant training will be administered via the self-paced, on-line format.	Human Resources	Possible	Medium		Moderate Risk	
III	IT Development	A(i). Management may not realize or be aware that the Development Unit of ITSS spends the majority of its time on maintenance support, which may cause management to reduce positions in the unit without understanding the impact on the work of the Tribunal.	Strategy	Remote	High		Moderate Risk	

6		Focus Area:	Information Technology Management			Possible	High	Higher Risk
No	Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Likeli-hood	Impact	Overall	Risk	
	<p>G(i). If the e-court system is interrupted, the courts will stop operating, which may prevent the Tribunal from meeting its goals and objectives.</p> <p>G(ii). If changes are made in Human Resources policies, ITSS may have difficulties implementing the changes in the Personnel Information Management System (PIMS) software, which could hinder the operations of HR.</p>	<p>ITSS is responsible for the operations of the e-court system. It currently has a plan in place to address problems in each area of the system. ITSS is trying to reduce human inputs into the system.</p> <p>PIMS runs on Access 97, an old system in which one cannot easily make changes.</p>	Information Resources	Remote	High		Moderate Risk	

Risk Assessment of: ICTY

No	Focus Area: Interview/Review Summary (Description of risk)	Programme and Project Management OIOS Assessment	Risk Category	Possible Likeli-hood	High Impact	Overall Risk	Higher Risk
7	Focus Area:	Programme and Project Management	Possible	High	Higher Risk		
1	Chambers - Ongoing proceedings A(i). The intrinsic difficulties in estimating when the Tribunal will finish work depends on unpredictable factors rendering proper planning difficult. A(ii). Multiple challenges facing the Tribunal, such as the scale of the cases being adjudicated, the passage of time since the alleged crimes, the large number of victims, difficulties in gathering evidence and protecting witnesses, may hinder the Tribunal from achieving its mandate.	Difficulties in making estimations have been addressed in some respect with Rules 73 bis and 92 quater. These issues must also be seen in light of the limitations the Chambers faces in terms of court room facilities and staffing to deal with the cases. The President has set up working groups on trials and appeals. The reports emanating from these groups have addressed many concerns regarding the need for efficient and speedy trials. Chambers have clarified that there should be no compromise to the due process rights of the Accused adding that there is a limit to their efforts made to expedite trials. Nonetheless, it cannot be excluded that something unforeseen may arise which could result in a delay in proceedings.	Strategy	Possible	High	Higher Risk	Higher Risk
	B(i). Inadequate attention to evaluate and improve the efficiency of the current work processes in Trial Chambers may result in delays and higher costs to the Tribunal.	Senior Legal Officers are fully engaged in daily "fire fighting" to keep up with the workload requirements and may not devote enough time to such matters. The processes which matter most in terms of time saved relate to in-court proceedings, which require attention from the Judges, which has happened in the form of the trial and appeal working groups.	Governance	Remote	High	Moderate Risk	

Focus Area: Interview/Review Summary (Description of risk)		Programme and Project Management		Possible	High	Higher Risk
No	OIOS Assessment	Risk Category	Likeli-hood	Impact	Overall Risk	
7	<p>D(i). Lack of assured funding needed to continue operations beyond the 2010 deadline may result in the primary objectives of the Tribunal not being met.</p> <p>D(ii). If the Tribunal becomes reliant on voluntary contributions as the primary source of funding, this could create additional difficulties as the onus would be on the Tribunal to look for and compete for scarce funding. This may also result in loss of independence as these countries may be seen as influencing the Tribunal proceedings.</p> <p>E(i). The trial schedule set by the Trial Chamber may not be adhered to especially in the event of non-cooperation by any one of the accused in Multi-accused Trials (MAT's) which could delay the rest of the trial.</p> <p>E(ii). If one of the accused in a MAT falls ill, the whole trial could be delayed.</p> <p>E(iii). Motions to sever an accused from a MAT could theoretically result in the need for a separate trial that create an additional case which would need to be added on to the end of the current scheduled trials.</p>	<p>ICTY is aware that the risk can be mitigated by an unequivocal commitment to adequate funding and resources for the Tribunal's continued operation. Ideally, this should be linked to the Tribunal's primary objective, that is the trial of all major cases rather than to an "end date" such as "2010".</p>	Financial	Remote	High	Moderate Risk

No	Focus Area: Interview/Review Summary (Description of risk)	Programme and Project Management		Risk Category	Likeli-hood	Impact	Overall Risk	Higher Risk
		Possible	High					
7	E(iv). In managing trials the reduction in the scope of indictments under rule 73bis may impact upon the reputation of Yribunal, leaving the victims unhappy at what they perceive as diminution in the gravity of offences and the prosecution unhappy at perceived interference with their powers. E(v). The Chambers may face resistance from the OTP when as part of the efficiency measures they seek shortening the Prosecution's case by determining the number of witnesses the Prosecution may call and limiting the time available for presentation of case or evidence, resulting in possibility of conflict between the principal organs.	Since the Tribunal is committed to end its proceedings in a reasonable time, it is important to manage expectations, by suggesting that this Tribunal will address the most serious crimes and criminals not on a large scale, but rather, that a representative sample of crimes will be tried. That is what Rule 73 bis is designed to do, and what it in fact does. The Prosecutor refused to accept shortened indictments in the Delic case. Also the Prosecutor declined an invitation to voluntarily reduce the indictment by one-third in the Perisic case.	While the reduction in the number of charges will be in accord with the right of the accused to receive a fair trial and perhaps also reduce pre-trial detentions, it does not take into account the sensitivities of victims whose desire for justice in respect of crimes committed against them will not be fulfilled.					

7	Focus Area: Interview/Review Summary (Description of risk)	Programme and Project Management OIOS Assessment	Risk Category	Possible	High	Higher Risk
No			Risk Category	Likeli-hood	Impact	Overall Risk
7	E(vi). Striking the right balance between expeditious trials and carrying out fair trials in accordance with due process and rights of the accused may be difficult to achieve and result into delays. This risk factor is to be seen in light of the fact that quick justice shall not be dispensed to the detriment of other aspects of fairness.	E(vii). Absence or non-availability of defence counsel and co-counsel may delay proceedings.	The President has set up working groups on trials and appeals. The reports emanating from these groups have addressed many concerns regarding the need for efficient and speedy trials. Chambers have clarified that there should be no compromise to the due process rights of the accused adding that there is a limit to their efforts made to expedite trials. Trial Chambers remain vigilant on due process rights. Where parties disagree with the Trial Chamber's assessment in a particular instance, the appeals process exists as a check on the original decision.	Given the length of some of these trials, it is to be expected that from time-to-time counsel may have commitments which will require them to be away. OLAD and the Registry have addressed this by ensuring a lead and co-counsel in each case, which is the best that can be done given the limitations on funds for counsel assignments. In the Delic case, the trial chamber took a decision to hold trial only four days per week due to lead defence counsel's health issues.		

Focus Area:		Programme and Project Management		Possible	High	Higher Risk
No	Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Likeli-hood	Impact	Overall Risk
7	<p>E(viii). As the Tribunal faces the challenging task of completing its mandate within a compressed time schedule, additional complications could be created by accused who may use both conventional and unconventional measures to slow things down.</p> <p>E(iv). Allowing self-representation could result in lengthy trials and affect the expeditiousness of the proceedings.</p>	<p>For example, the use of hunger strikes (Seselj). The Chambers have carried out significant research in order to be prepared for such eventualities.</p> <p>The principal organs are aware of the demands that a self represented accused can place on the system. There is significant case law (Krasnjik, Milosevic, Seselj), as well as Registry Protocols on the subject of self represented accused and there are instructions on which documents have to be translated, e.g. Registry Translation Policy and relevant case-law.</p>				
	<p>E(x). Cases referred to national jurisdictions (11bis) could be returned to the Tribunal, which could lead to increase in the quantum of work that will need to be undertaken at the Tribunal.</p> <p>E(xi). The Chambers may refuse the Prosecutor's application to refer a particular case to national jurisdiction under Rule 11bis thus increasing the burden on the Tribunal.</p>	<p>The Tribunal retains its right to recall a referred case if fundamental and basic principles have not been observed. The Prosecutor has the main responsibility of monitoring these cases and this responsibility is discharged on the basis of reports received through the OSCE. In Chamber's assessment, it was unlikely that any cases would be recalled by the Tribunal.</p> <p>There is already a programme for the continuation and intensification of sharing experience with the national courts dealing with these cases. Measures may include visits from and to the region and training programs.</p> <p>Currently, there are no more pending or expected referrals.</p>				

		Focus Area: Programme and Project Management				Possible	High	Higher Risk
No	Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Likeli-hood	Impact	Overall	Risk	
7	<p>F(i). Absence of judges from the court due to ill-health may delay proceedings.</p> <p>F(ii). There could be flight of experienced and qualified staff for better and secure prospects, which will lead to inefficiencies, loss of institutional memory and ultimately also delay progress in cases as new staff will struggle to cope with demanding schedules.</p> <p>F(iii). While judges have a moral obligation to stay through a trial, permanent judges may leave the Tribunal after completion of their on-going trial for better prospects in other tribunals or courts, or to secure their pensions rights in their domestic judiciary. This would have an impact on court productivity.</p> <p>F(iv). Judges may leave due to issues pertaining to conditions of service, such as discrimination in pension matters vis a vis judges of the International Court of Justice (ICJ).</p>	<p>The introduction of reserve judges in multi-accused is aimed at mitigating this risk. Increasing the number of ad litem judges is also being considered in order to have 8 cases at trial. Departure of judges is unlikely to happen, as in reality not a single judge has left due to the terms and conditions of their service.</p> <p>The high attrition rates are a testament to the Tribunal's difficulties in retaining key staff. The loss of senior and experienced lawyers during the course of a Trial for instance will have a devastating effect on the case and could result in major problems. However, since the announcement of longer term contracts in September 2007, the attrition rates of staff at ICTY have dropped to less than 5 percent.</p> <p>Flight of staff is a serious enterprise wide risk. While some measures to retain staff such as two year contracts and a package of exceptional measures have been granted, retention indemnity has been denied. Management is seized of the issue and is aware that other institutions including other UN agencies offer more secure positions.</p>	Human Resources	Remote	High		Moderate Risk	

7	Focus Area: Interview/Review Summary (Description of risk)	Programme and Project Management OIOS Assessment	Risk Category	Possible	High	Higher Risk
No			Risk Category	Likeli-hood	Impact	Overall Risk
7	<p>F(v). In pursuit of its completion strategy the Tribunal has relied heavily on the ad litem judges, who are appointed to sit in on a particular case(s). Since there are differences in benefits as compared to permanent judges, ad litem judges (not entitled to a pension) may be inclined to look for better opportunities elsewhere.</p> <p>F(vi). Replacements, particularly of judges are a time consuming and tedious process and given the complexity of cases, any new appointments would naturally take time to come up to speed, which could hinder the Tribunal from meeting its completion targets.</p>	<p>It is assessed that for the remainder of the Tribunal's mandate it would be more effective to initiate recourse to a renewal of current judges' mandate rather than to a new election. The risk in question could significantly affect such strategy.</p> <p>The President has recognized the invaluable contribution made by ad litem judges in expediting trials at the ICTY. Chambers did not consider the risk of ad litem judges leaving in the middle of a trial to be serious as they have the same moral obligation as permanent judges. However, as the trial case load begins to be reduced, the number of ad litem judges can gradually be drawn down and permanent judges assigned to the last trials or redeployed on appeal.</p> <p>In most cases, ICTY knows exactly when a judge is due to leave and action is taken in advance. There have been no lengthy breaks in service of judges.</p>				

7		Focus Area: Programme and Project Management				Possible	High	Higher Risk
No	Interview/Review Summary (Description of risk)	OIOS Assessment		Risk Category	Likeli-hood	Impact	Overall Risk	
				Possible	High	High	Higher Risk	
II	Chambers - Legacy and residual activities	<p>In conjunction with the ICTR, the Tribunal has identified 12 residual issues that will remain following the completion of cases currently in its docket. These issues pertain to outstanding fugitives, witness protection, enforcement and commutation of sentences, requests for review of judgements and archives.</p> <p>Monitoring of 11 bis cases is related to the possible end of the OSCE mission in Croatia, and the risk is low provided that a monitoring body remains in place. It must also be stressed that, as far as ICTY referred cases are concerned, it is anticipated that most the related proceedings will be over by the time the Tribunal ceases to operate.</p> <p>The capture of the remaining fugitives is a matter beyond the Tribunal's control, though the Tribunal pursues this issue vigorously with the states in the region, the EU and the United Nations.</p> <p>ICTY provides training programs for judges of state courts.</p>	Strategy	Possible	High	High	Higher Risk	
	A(i). General uncertainty about residual issues has manifested itself in the Tribunal's inability to satisfactorily plan well in advance for and resolve important residual and legacy issues, which may hinder the Tribunal from achieving its mandate.							
	A(ii). Lack of clarity on who will undertake residual monitoring of 11 bis cases referred to national jurisdictions after the conclusion of mandate could result in transferred cases not being properly monitored.							
	A(iii). The remaining fugitives may try to evade capture until the Tribunal closes down and their cases could be referred to national jurisdictions.							
	A(iv). State courts may not receive adequate support after the Tribunal's closure thus affecting their capacity to function effectively.							
	E(i). If an 11 bis trial conducted in the region is perceived as not being fair, this could directly impact upon reputation as the case had been referred by the Tribunal who will share the blame for miscarriage of justice.			Operational	Possible	High	Higher Risk	

Focus Area:		Programme and Project Management		Possible	High	Higher Risk
No	Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Likeli-hood	Impact	Overall Risk
III	Office of the Prosecutor (OTP) - Prosecution	The appointment of the new Prosecutor has since been made the Secretary General and the new incumbent has taken over his post on 2 January 2008. The new Prosecutor has established good relationships with staff and has stated his desire for continuity of approach in relations with States.	Strategy	Possible	High	Higher Risk
7	A(i). The appointment of a new Prosecutor who is not familiar with the Tribunal could hinder the relationships developed in the region as well as the relationships with other sections of the Tribunal and staff. A(ii). Lack of proper planning as a result of inadequate appreciation that large and complex trials require sufficient lead time could cause inefficient and ineffective operations. A(iii). Inadequate understanding that timely completion of mandate is inextricably linked to unpredictable factors such as the capture of the four remaining fugitives and their transfer to ICTY custody to face justice. The uncertainty of this happening is a serious risk that impacts on the continuation of the Tribunal beyond 2010. A(iv). The capture of the remaining fugitives in turn depends almost exclusively on the cooperation of states in the region and on the political will of the Government in power, and the Tribunal could have to close its doors leaving behind a legacy of an incomplete mandate.	Given the current trial schedule, the capture of any of the fugitives would undoubtedly entail an extension of the mandate of the Tribunal beyond 2010. Mechanisms are in place to review the budget and resource requirements should the arrests take place. The uncertainty in the timing of the trials makes planning difficult. For example, if a defendant goes on a hunger strike, the trial could be quite delayed. The Prosecution Section plans according to the known factors at the time. The Tribunal is pursuing the apprehension and transfer of the remaining fugitives to The Hague. The lack of an international police force to apprehend and arrest the fugitives is a weakness.	High	High	Higher Risk	

Focus Area:		Programme and Project Management		Possible	High	Higher Risk
No	Interview/Review Summary (Description of risk)	OIOS Assessment	Risk Category	Likeli-hood	Impact	Overall Risk
7	D(i). Funding sources may become scarce if the Tribunal does not meet the target completion dates set out previously for trials and appeals.	So far the Security Council, GA and the ACABQ as well as member states have generally been supportive of ICTY's mission, though some major powers and some states in the former Yugoslavia have not been supportive.	Financial	Remote	High	Moderate Risk
	E(i). The curtailment or reduction of the indictment infringes on prosecutorial independence as the full scale of the crime may not be reflected, or may result into an indictment that is not representative of the case as a whole and affect the Prosecutor's ability to present evidence on the scope of the crime and criminal enterprise. E(ii). OTP might not proceed with a case that is truncated and no longer viable. This can happen if time limits or shortened time frames for the prosecution of a case are imposed by the Trial or Appeals Chamber. E(iii). If the Trial Support Unit is unable to provide the required level of support, the Trial Section of the Tribunal may be unable to function efficiently.	This issue has come to the fore in recent times. The Chamber can invite the Prosecution to reduce the number of counts charged, can fix the number of crime sites that are reasonably representative of the crime charged, or direct the prosecution to select the counts upon which to proceed. The issue of prosecutorial independence and the right of the Chamber to manage trials before it is an issue that will be decided by the judge before whom the case comes up for hearing. The work of the Trial Support Unit is critical to the work of the Trial Section.	Operational	Possible	High	Higher Risk

Focus Area:		Programme and Project Management			Possible	High	Higher Risk
No	Interview/Review Summary (Description of risk)	OIOS Assessment		Risk Category	Likeli-hood	Impact	Overall Risk
7	<p>E(iv). Uncertainties with witnesses (will the witness show up, will they speak frankly, etc.) are developments that could lead to loss of time and also effect the strength of the Prosecution's case.</p> <p>E(v). Inadequate disclosure will impact on the proceedings. As older evidence becomes digitized and accessible and as Team members change, new evidence or developments could emerge causing delays in Trials.</p> <p>E(vi). Disclosing protected witnesses at an early stage could jeopardize the security of the witness.</p> <p>E(vii). If the pretrial judge does not become trial judge, the presiding judge will take time to understand the case, which could result in inefficient use of time and resources since the matter will have to be presented once again by the Prosecution section.</p>	<p>ICTY cannot control the testimony provided by witnesses.</p> <p>The Rules of Procedure and Evidence dictate disclosure policies.</p> <p>Witness protection is accorded high priority by the Tribunal.</p> <p>Efforts are being to ensure as far as possible that the pre-trial judge is assigned as the Trial Judge as well. This will help to considerably expedite cases.</p>					

No	Focus Area: Description of risk	Programme and Project Management	Possible	High	Higher Risk	
No	Interview/Review Summary	OIOS Assessment	Risk Category	Likeli-hood	Impact	Overall Risk
7	<p>E(viii). Delays in scheduling appeals could result in ineffective use of Tribunal resources.</p> <p>E(ix). The lack of control over scheduling of cases could result in ineffective operations of the Prosecution section.</p> <p>E(x). Planning for trials of self-represented accused could be ineffective given the external factors that affect the trial process such as translation of all documents into the language of the accused, etc.</p>	<p>As trials close, staff are re-assigned to other duties, and increasingly to appeals.</p> <p>However, the trial timetable is now becoming clearer, so that planning can improve.</p> <p>The possibility that some accused may opt for self-representation could generate the following problems (a) trials last much longer, (b) effect expeditiousness of proceedings, (c) such cases are more difficult to control as qualified counsel and professional need to adhere to ethical, legal obligations and are subject to admonition and reprimands, (d) documents have to be translated into their language and (e) self represented accused may not have respect for law or abide by codes of conduct. The problems are further compounded if the accused is sick or ill.</p> <p>The Tribunal has already confronted hunger strike by one of the accused and dealt with requests such as Serbian translation of all documents. Such developments closer to end of the mandate would tend to further decelerate pending trials.</p>				