



OIOS

Office of Internal Oversight Services

INTERNAL AUDIT DIVISION

AUDIT REPORT

Language services at ICTY

Effectiveness of language services could be improved through better coordination and prioritization of resources and activities

20 May 2009

Assignment No. AA2008/270/04

United Nations  Nations Unies

INTEROFFICE MEMORANDUM

MEMORANDUM INTERIEUR

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

TO Mr. John Hocking, Acting Registrar
A International Criminal Tribunal for the former Yugoslavia

DATE 20 May 2009

REFERENCE IAD: 09-07476

FROM Fatoumata Ndiaye, Acting Director
DE: Internal Audit Division, OIOS

Fatou

SUBJECT **Assignment No. AA2008/270/04 - Audit of Language Services at ICTY**
OBJET:

1. I am pleased to present the report on the above-mentioned audit.
2. Based on your comments, we are pleased to inform you that we will close recommendations 1 and 13 in the OIOS recommendations database as indicated in Annex 1. In order for us to close the remaining recommendations, we request that you provide us with the additional information as discussed in the text of the report and also summarized in Annex 1.
3. Your response indicated that you did not accept recommendation 12. In OIOS' opinion however, this recommendation seeks to address significant risk areas. We are therefore reiterating it and requesting that you reconsider your initial response based on the additional information provided in the report.
4. Please note that OIOS will report on the progress made to implement its recommendations, particularly those designated as high risk (i.e., recommendations, 4, 7, 10 and 12) in its annual report to the General Assembly and semi-annual report to the Secretary-General.

cc: Mr. Gavin Ruxton, Chief of Prosecution, Office of the Prosecutor, ICTY
Mr. Robert Reid, Deputy Chief Trials Division, Office of the Prosecutor, ICTY
Ms. Marijana Nikolic, Acting Chief, Conference and Language Services, ICTY
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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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EXECUTIVE SUMMARY

Audit of language services at ICTY

OIOS conducted an audit of language services at the International Criminal Tribunal for the former Yugoslavia (ICTY). The overall objective of the audit was to assess whether the language services provide timely, effective and efficient support to the Office of the Prosecutor (OTP), Registry, Defence and Chambers. The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.

Effectiveness of language services could be improved through better arrangements for coordination and prioritization of the resources and activities. While clients generally appreciate the quality of translation and interpretation services, there are concerns whether these services are timely and efficiently provided.

The main findings were as follows.

- The Conference and Language Services Section (CLSS) has been able to ensure compliance through provision of translation and interpretation services with the basic minimum guarantees in Article 21 of the ICTY statute and Rules of Procedure and Evidence;
- Despite the increase in number of cases, multi-accused cases, arrest of accused, slippages in trials and complications arising out of self-represented accused, the authorized staffing strength (posts) for the CLSS has remained constant at 175 (including 18 GTA posts) since 2004-05, leading to a mismatch between demands placed on language services and the resources available;
- The Office of Document Management (ODM), which is the focal point for document control and management did not have adequate staffing and lacks the authority to carry out the functions it was originally conceived for;
- Formal coordination mechanisms need to be established between CLSS and its major clients, (Defence, OTP and Chambers), to facilitate planning and assist in forecasting demand for translation;
- Workload standards for translators need to be formally stipulated. Output levels for translators in the English and French Translation Units were sub-optimal and improvements in efficiency were required;
- OIOS' survey of CLSS client satisfaction confirmed that overall clients were broadly happy with the efficiency and effectiveness of the CLSS. Concerns were voiced about the timeliness of

translations and the fact that on occasion, required levels of support could not be obtained, given the limited capacity of the CLSS;

- ICTY staff interpreters attended office for interpretation work for around 19 hours a week as opposed to the usual workweek of 37.5 hours. In addition, they worked on interpretation duties for 4 days a week and did not come to office on the fifth day without applying for leave;
- The OTP's Language Unit lacked credible workload norms and performance indicators. Staffing requirements projected in the budget documents were therefore not based on sound justification; and
- The maintenance of the OTP Language unit, with limited links to CLSS, represents duplication of resources, which has not been formally reviewed by ICTY to confirm whether the arrangement of having separate language services continues to be justified so many years after its initial creation.

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I. INTRODUCTION

1. The Office of Internal Oversight Services (OIOS) conducted an audit of language services at the International Criminal Tribunal for the former Yugoslavia (ICTY). The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.
2. The Conference and Language Services Section (CLSS) is the language services provider to the three organs of the ICTY, namely Chambers, Registry, and Office of the Prosecutor (OTP), and also the Defence. The services imparted include translation, revision of court documents (*written exercise*) and interpretation (spoken word), both simultaneous and consecutive. Court reporting services for the Tribunal are outsourced to private vendors. The labour intensive nature of translation and interpretation is the defining characteristic of the Section's work. The work is demand driven and as a service rendering critical support to the Courts, the CLSS needs to work at high levels of efficiency. Three important factors drive the work of the CLSS: efficiency, quality and timeliness. The time critical nature of the functions means that the Section needs to work at the highest productivity levels in order to cope with the work. For both interpretation and translation, demand has frequently outstripped supply entailing the need for outsourcing. Both translation and interpretation are critically important and errors can potentially result in miscarriage of justice.
3. The OTP emphasized that CLSS now works mainly for the Defence and have cited a submission dated 16 September 2008 (IT-04-74-T), where the Registry has noted that in 2007 and 2008, the CLSS worked mostly for Defence translations (75 per cent in 2007 and 80 per cent in 2008).
4. From January 2004 until June 2008, ICTY spent \$70.8 million on salaries and allowances under object of expenditure code 5832 for CLSS staff. Operational expenditures incurred by the CLSS on outsourced services including external interpretation, translation and court reporting amounted to \$19 million.
5. *Comments made by the ICTY are shown in italics.*

II. AUDIT OBJECTIVES

6. The overall objective was to assess whether the language services provide timely, effective, and efficient support to OTP, Registry, Chambers and Defence. This included assessing:
 - (a) Compliance with mandates, United Nations regulations and internal CLSS and Registry guidance;
 - (b) Whether the CLSS has adequate structures, procedures and resources to ensure timely, efficient and effective provision of language services to clients; and
 - (c) Arrangements for the monitoring of outsourced contracts, contractual translations, and interpreting services.
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III. AUDIT SCOPE AND METHODOLOGY

7. The audit methodology comprised review of statistics on CLSS and OTP performance over the previous four years, observation and verification of processes, review of documents and interviews with responsible personnel. As part of the audit, a survey on assessing satisfaction levels was also carried out.

IV. AUDIT FINDINGS AND RECOMMENDATIONS

A. Compliance with mandate and instructions

Provision of languages services complies with the Statute and Rules of Procedure and Evidence

8. OIOS assessed that the provision of language services in ICTY complies with Article 21 of the ICTY Statute, as well as related provisions in the Rules of Procedure and Evidence (RPE).

Misclassification of common staff costs needs to be corrected

9. Between 2006 and 2008, regular staff costs amounting to \$385,592 for 2 professional posts were charged under object class 603 object code 0042 (temporary assistance meetings, translation and revision). OIOS noted that object code 0042 (object class 603) is meant for temporary assistance obtained from short-term translators and such individuals are paid their net rate per day plus daily subsistence allowance (DSA) during meetings. In OIOS' opinion, the related costs for staff occupying General Temporary Assistance (GTA) posts should be charged under object class 602 object code 0051 or 0055 under the Registry. ICTY commented that the charge was correct as these relate to salaries and Common Staff Costs for temporary positions in CLSS. Since this issue involves classification of expenditure, OIOS is of the view that this matter should be referred to the Office of Programme Planning, Budget and Accounts (OPPBA) for advice.

Recommendation 1

(1) The ICTY Administration should seek the advice of the Office of Programme Planning, Budget and Accounts on whether General Temporary Assistance expenditure on posts and related salaries/common staff costs can be charged to object code 0042 (temporary assistance meetings, translation and revision).

10. *The ICTY Administration accepted recommendation 1 and made a detailed reference to the OPPBA at Headquarters and a response is awaited. Based on action taken by ICTY, recommendation 1 has been closed.*

CLSS staff is not making solemn declaration under Rule 76

11. Under Rule 76 of the Rules of Procedure and Evidence (RPE), translators and interpreters are required to perform their duties faithfully, independently, impartially and with full respect for the duty of confidentiality. A declaration to this effect is to be solemnly made before performing any duties. CLSS stated that all ICTY staff sign a solemn declaration before taking up their duties. This declaration includes a reference to the Staff Regulations and Rules which in turn require staff to act as foreseen in Rule 76. Considering the nature of their functions and to ensure compliance with the RPE, translators and interpreters need to make a formal declaration.

Recommendation 2

(2) The ICTY Administration should ensure that the Conference and Language Services Section obtains from its staff signed declarations affirming that they have read and understood the provisions contained in Rule 76 of the ICTY Rules of Procedure and Evidence.

12. *The ICTY Administration accepted recommendation 2 and agreed that the signature of a specific statement provides an additional level of awareness of the obligations. Recommendation 2 remains open pending confirmation that the CLSS has commenced obtaining from its staff signed declarations signifying that they have read and understood the provisions contained in Rule 76 of the ICTY Rules of Procedure and Evidence.*

B. Planning, performance and efficiency aspects

Work force planning in CLSS and the completion strategy

13. The current projections for CLSS staffing strength need to be revised and presented in a formal document to reflect such things as increase in workload, multi-accused cases, arrest of accused, slippages in trials, and complications arising out of self-represented accused. The authorized staffing strength (posts) for CLSS has remained constant at 175 (including 18 GTA posts) since 2004 - 2005.

14. According to the 2008 - 2009 budget documents, CLSS will commence downsizing its workforce in August 2009, and 27 Professional and 6 General Service posts are expected to be abolished in August and November 2009. There was no evidence that these proposed reductions reflected the arrest of two accused in 2008, the reworked trial schedule with the new trials extending into 2011, and slippages in certain trials that could take the completion of first instance trials into 2010, followed thereafter by appeals. These events imply that with the changed court schedule, there is need to modify staffing projections and requirements. In addition, as the Tribunal moves into the appeals phase, the number of hearings will not be as frequent as they are at present and the duration of hearings will be shorter.

15. CLSS commented that it regularly reviews staffing needs in light of the schedule of forthcoming trials and the overall aims of the completion strategy. In addition to the current budget cycle, new forecasts are made whenever the Tribunal embarks on major projects, such as trial of multiple-accused and trials of self-represented accused. Demand for translation nevertheless remains unpredictable. While these efforts may be ongoing, they have not resulted in any formal document identifying the minimum work force required over the remaining duration of the completion strategy, which exposes the Tribunal to the risk of having to increase its reliance on expensive outsourced alternatives to meet demand.

Recommendation 3

(3) The ICTY Administration should ensure that given the recent developments such as the arrest of fugitives and possible slippages in trials, the Conference and Language Services Section formally reviews its current projections of the translation and interpretation workload over the remaining life of the Tribunal and produces a revised assessment of the staffing resources.

16. *The ICTY Administration accepted recommendation 3 and stated that it considers this recommendation as being currently implemented as the revised assessment of staffing resources is in the process of being conducted by CLSS in the context of the preparation of the 2010-2011 budget submission. Recommendation 3 remains open pending receipt of a revised assessment of the staffing resources.*

Office of Document Management (ODM) lacks the necessary resources to enable it to conduct its activities effectively

17. The March 2003 expert report commissioned by ICTY recommended the creation of a Documents Control Unit as the focal point responsible for registering, scheduling, tasking and monitoring of all documents submitted for translation and distribution as well as ensuring adherence to rules and regulations on document submission, control and limitation of documentation. In response to this recommendation, the ODM was set up in 2004 within the Registry and placed under the Court Management and Support Section (CMSS). The ODM has rendered useful service especially in detecting duplications. In 2007 and 2008, the ODM detected 17,045 duplicates, at an average of 700-800 every month, thereby saving ICTY about \$850,000 yearly¹.

18. The original intention was to set up an independent arbitrator with appropriate stature to decide on competing requests for translation. Unfortunately, ODM was not given the staff or authority to carry out its main role as an independent arbitrator dealing with page limitation, prioritizing and

¹ Conservatively assuming that each page costs about \$100 to translate.

forecasting and translation, as such its profile has been diminished and there is a risk that the original intention of its establishment will not be achieved.

Recommendation 4

(4) The ICTY Administration should ensure that the Court Management and Support Section undertakes a staffing review to equip the Office of Document Management with sufficient resources to enable it to discharge its responsibilities effectively.

19. *The ICTY Administration accepted recommendation 4 and stated that CMSS has started an overall review on staffing, including the Office of Document Management, the results of which will be included in the CMSS budget submission for 2010/2011. However CMSS added that it has submitted revised job descriptions for the staff of ODM to Human Resources for reclassification to a higher level, including additional responsibilities that would address the concerns raised in the audit recommendation. However, 2 (out of 3) of the reclassifications have been denied and CMSS is in the process of lodging an appeal. Recommendation 4 remains open pending creation of appropriate staffing resources within ODM to enable it to work effectively.*

Prioritization of translation requests not working as envisaged

20. The CLSS accepts requests for translation without adequate delineation of their priority, whether urgent or normal. To ensure that material is produced in time to meet court deadlines and to relay ICTY's accomplishments to the public, the ICTY policy statement of November 2006 enunciated a prioritization policy reflecting court priorities. In practice, the policy statement has not worked as intended and the ODM is not specified as the authority that will enforce the policy. CLSS clarified that translation requests come with a deadline indicated. Whenever they are faced with competing requests, translation units try to resolve them by negotiating with clients which can go through several time consuming stages. This is inefficient and defeats the rationale for the creation of a policy statement on prioritization of documents.

Recommendation 5

(5) The ICTY Administration should ensure that the Office of Document Management is given sufficient authority to enable it to enforce the 2006 policy statement on prioritization of documents. This should include provision of awareness and orientation sessions to the clients on how to properly assign priority to translation requests.

21. *The ICTY Administration accepted recommendation 5 and stated that CMSS has set up a new standard procedure for the prioritization of documents. All relevant information relating to the urgency and priority of the received translation requests will be assembled within CMSS; based on this information, competing translation requests will be reviewed in the totality of all requests*

rather than "stand alone" requests. Weekly meetings will be held with ODM, CMSS and CLSS to streamline the prioritization process of documents. In this way all relevant information necessary to set a realistic deadline and to make a proper assessment of what has priority will be achieved. In addition to this, with all the relevant information in hand, the ODM staff will be able to communicate the 2006 policy to the clients in an effective and efficient manner. Recommendation 5 remains open pending receipt of the new standard procedure and confirmation of its implementation in ICTY.

Coordination between the CLSS and clients needs to be improved

22. In the absence of an effective and empowered ODM, there is no formal coordination mechanism between CLSS and its major clients, Defence, OTP and Chambers. As such there is little by way of regular communication and interaction between the service provider and clients on planning and forecasting demand for translation. Consequently, CLSS has become overloaded with work that may not be urgent and is sometimes not able to deal with genuinely urgent requests. CLSS brought to OIOS attention one example to illustrate the issue. OTP requested CLSS to translate a 300-page judgment into English within one month. The CLSS declined the request stating that priority is accorded to documents that will be used in Trial Chambers.

23. The 2003 expert report also envisaged the setting up of a Working Group on Documentation composed of representatives of the Documents Control Unit, CLSS, OTP, OLAD, and CMSS in order to examine the possibilities of prioritization, page limitation and forecasting. The working group was never formed and these issues have remained unaddressed.

Recommendation 6

(6) The ICTY Administration should ensure that the Office of Document Management and the Conference and Language Services Section play a more pro-active role of facilitators with clients by setting up effective coordination mechanisms to regulate workflows including prioritization, page limitations and forecasting.

24. ICTY accepted recommendation 6 and stated that it is always looking to improve coordination with clients. Now that most of the work for the trials of multiple accused is done, CLSS is again working much more closely with the OTP's trial support unit and individual OTP and defence teams. CLSS stated that it would especially welcome greater participation by CMSS and Chambers in setting up effective mechanisms of the kind proposed. Recommendation 6 remains open pending the institution of effective coordination mechanisms such as working groups to regulate workflows.

Translation outputs in the ICTY

25. The CLSS provides translation from English into French, Bosnian/Croatian/Serbian (BCS), Albanian and Macedonian and from all of the

forementioned languages into English. The standard United Nations output for translators is 1650 words per day (5.5 pages at 300 words per page) subject to revision, 1815 words per day (6 pages) for self-revised translations and 3960 words (13 pages) per day for revisers. These are the United Nations norms approved by the General Assembly as part of the 1998-99 budget process². OIOS has taken the yearly norm to be 220 working days at 5.5 pages per day, which yields a yearly output of 1210 pages or rounded to 1200 pages. The overall translation output based on the Management Information Reports (MIR) for the past five years is shown in Table 1.

Table 1: Translation outputs for the CLSS

From the Management Information Reports (MIR)	2004	2005	2006	2007	2008 (8 months)
Translation-In house- all staff - pages	64,565	58,817	58,115	60,079	46,245
External/Short term-pages	7,385	17,376	13,615	14,175	6,858
Total -pages	71,950	76,193	71,730	74,254	53,103

26. The overall output has ranged from 71,730 to 76,193 pages in the last four years, with the average being 73,532 pages. Externalization³ rates have ranged from 10 per cent in 2004 to 22 per cent in 2005, while in the other years the average has been about 19 per cent. CLSS has 65 translators on its rolls (excluding revisers) and given that the standard United Nations output is about 5.5 pages, we would expect the yearly output to be some 78,650 pages, whereas the output for in-house translators has ranged from 58,115 to 64,565, indicating a shortfall of between 18-26 per cent. OIOS also notes that the outputs of the in-house staff include translations done by ICTY interpreters, language assistants as well as interns and the true outputs emanating exclusively from ICTY translators is likely to be lower than the figures indicated in Table 1.

27. CLSS commented that 5.5 pages per day (1,650 words) is a workload/performance indicator to which they always try to adhere to; it cannot, however, be applied too rigidly to CLSS's overall annual output as it does not take into account the nature and level of difficulty of translation jobs at the ICTY. CLSS added that given the complexity of documents received in translation, the fact that CLSS translators conduct extensive research, type, format and input corrections themselves, and further taking into account actual days worked, a more realistic estimate for the yearly output would be about 1050 pages for the English Translation Unit (ETU) and Bosnian/Croatian/Serbian (BCS) unit, and 840 pages for French Translation Unit (FTU) translators. However, it would be seen from Table 2 that the average productivity is still less than the UN norms as well as the reduced norms suggested by the CLSS for the ETU and the FTU.

² A/57/289

³ Externalization indicates the quantity of work that is outsourced.

Table 2: Average output of selected staff members in the three translation units

	2006 -12 months pages 1200 (UN target)	2007-12 months pages 1200 (UN target)	2008 - 9.5 months 950 pages (prorated target)
English Translation Unit (ETU)-average output selected translators	871	876	782
French Translation Unit (FTU)-average output selected translators	880	712	686
Bosnian/Croatian/Serbian (BCS)-average output selected translators	1,383	1,295	876

28. CLSS also commented that the pool translators actually available are 59 and that the calculations made by OIOS do not take into account real presence after excluding sickness, training, other assignments, secondments and the fact that some units were not operating at full capacity in 2007. Based on its analysis of the three units discussed below, OIOS is unable to accept CLSS' statement.

English Translation Unit (ETU)

29. The outputs of 16 translators were tracked for three years and the trend showed that with some exceptions, the average output is below norms. Given the norms, for the three years we can assume a total output of 3,350 pages⁴. Only two translators achieved the required productivity norm for the three years. With some improvements in the productivity of the mid-range performers, the overall productivity of the Section would increase considerably. The average productivity levels for the selected translators are at 76 per cent of the norm for the three years. The ETU revisers were meeting their targets for revision.

French Translation Unit (FTU)

30. The outputs for the FTU (in house) for the past three years for ten translators selected at random showed that productivity levels were below United Nations norms and that only four translators crossed the figure of 1,000 pages per year. Overall, productivity levels are at 68 per cent of the desired norm for the selected translators. The Head of Unit explained that there have been several departures from the FTU in recent years and that it takes considerable time to train new staff. An overall improvement in productivity levels and enhanced supervision are critical for initiating and sustaining improvement. CLSS commented that the FTU almost exclusively deals with complex legal documents for which the yardstick of 5.5 pages per day is unreasonable. The productivity of the French Revisers has also been below the standard United Nations norms of 12 pages per day. The yearly output from 2006 - 2008 ranged from 512 pages to 2,416 pages with the average being around 1,475 pages per year. Overall, the

⁴ 2006 -1200 pages, 2007-1200 pages and 2008-950 pages (prorated for part of year)

output of the French revisers is markedly below the norm of about 2,640 and this has necessitated recourse to external revisers, which could have been avoided had the standards revision outputs been maintained.

Bosnian/Croatian/Serbian (BCS) Unit

31. The outputs for the BCS Unit for the past three years for 11 selected translators and revisers showed that the average output per staff member is far higher for this unit compared to the ETU and the FTU. There are two translators in the Section with exceptionally high outputs of 13.3 and 8.6 pages per day. CLSS clarified that the output of two staff members was high as besides being fast in their work, they are assigned documents that were relatively easier to translate. Allocation of work reportedly takes place according to the strengths of individual translators. The revisers in the BCS Unit have achieved their targets.

Recommendation 7

(7) The ICTY Administration should formally lay down productivity norms for translators so that performance measurements of translators can be undertaken that indicate the extent to which the Conference and Language Services Section is utilizing its resources efficiently and effectively.

32. *ICTY accepted recommendation 7 and stated that it would take steps to formalize translation workload standards. It added, however, that CLSS already monitors the productivity of its translators very closely according to the established in-house parameters and takes these figures into account when assessing their individual performance, which is reflected through the performance appraisal system (e-PAS). Furthermore, when assessing performance, the specific nature of the translation services rendered at the ICTY must be adequately taken into account, such as (a) the special difficulty of the material translated, and (b) organizational factors – translators do most of their own research and, as there is no typing pool, type their own texts and input corrections. Recommendation 7 remains open pending the formalization of translation workload standards to assist with performance assessment.*

Lack of capacity planning

33. The need for external resources was not based on a comprehensive capacity planning exercise that properly assessed internal resources and their effective utilization. The 2008 - 2009 budget document noted that in the current biennium, CLSS would need temporary assistance of around 1,620 days at an anticipated expenditure of \$866,700 to translate and revise complex and sometimes confidential documents within tight deadlines. The rationale and basis for these calculations was not adequately explained. In the first six months of 2008, CLSS spent \$120,274⁵ on temporary translator's salary and travel and the trend of expenditure is far less than anticipated. For instance, the Translation Tracking System (TTS) outputs clearly showed that in-house capacity was not

⁵ Calculated after excluding regular staff costs incorrectly charged to 0042

fully and effectively utilized and that increased productivity is a key issue to be addressed. In line with capacity planning, the CLSS needs to undertake its own assessment of the time required for disposal of its pending and current workload so that it is better able to tackle future inflows.

Recommendation 8

(8) The ICTY Administration should ensure that the Conference and Language Services Section undertakes a periodic comprehensive capacity planning exercise, using established performance indicators that properly assess internal resources and their effective utilization before considering external resources.

34. *ICTY accepted recommendation 8 to undertake a capacity planning exercise based on the projected trial schedule with respect to trial and appeal judgments. However, ICTY added that the unpredictability and fluctuations in demand resulting from the nature of the proceedings conducted before it make it very difficult to assess the volume of incoming work with any significant degree of accuracy. ICTY clarified that external resources are used only for jobs that cannot be done in-house, either due to the language combination involved or because of periods of peak demand. Recommendation 8 remains open pending the implementation of a comprehensive capacity planning exercise.*

Client feedback and assessment of performance

35. CLSS has not established systematic feedback mechanisms to gauge client satisfaction. Given the limitations of quantitative workload standards as measures of full-system efficiencies, there is clearly a need to supplement those standards with other meaningful, broader, higher-level measures of performance such as user satisfaction, timeliness of delivery and quality of services, and overall cost per unit of output. OIOS' own survey of client satisfaction indicated that clients were generally satisfied with the overall efficiency and effectiveness of the CLSS. Concerns were raised about the timeliness of translations and the fact that on occasion, required levels of support could not be obtained, given the limited capacity of the CLSS. It would be worthwhile for the CLSS to undertake its own survey to measure client satisfaction and assess areas for improvement.

Recommendation 9

(9) The ICTY Administration should ensure that the Conference and Language Services Section undertakes customer surveys covering relevant aspects of language services. Surveys could include meaningful measures of performance and cover the Defence, Office of the Prosecutor and Chambers to whom translation or interpretation services are provided.

36. *The ICTY Administration accepted recommendation 9 and stated that although CLSS is in regular contact with its clients and is thus able to gauge*

their satisfaction, they accept to undertake a formal customer survey to cover the Defence, Office of the Prosecutor and Chambers. Recommendation 9 remains open pending the conduct of a customer survey of clients served by the language services.

Norms and actual workload for Conference Interpreters

37. The standard United Nations workload norms for interpretation are seven sessions of three hours or 21 hours per week, with a two-hour break between sessions. OIOS analyzed the number and duration of sessions that interpreters attended and noted that on average, interpreters provided interpretation for four court sessions per week and the Conference Interpretation Unit (CIU) staff were undertaking interpretation work on average between 16 to 19 hours, which is nearly as per norms based on the sample taken for testing.

Conference Interpreters have reduced working hours

38. Based on a review of entry and exit times for Interpreters for the month of September 2008, OIOS noted that they tended to follow working hours that are distinct from the commonly accepted working hours. For instance, it was determined that Interpreters leave office once they complete their shift. For example if the interpreter has the 0900 to 1345 slot, they will leave the office once the shift is over and not come back for the rest of the day. Alternatively, if they have the afternoon shift, they will come to work at 1400 hours and leave at 1900 hours.

39. Most of them attended the office an average of 20 to 22 hours per week, compared to the standard 37.5 hour work week in ICTY. Moreover, Interpreters worked four days a week; they did not attend office on the fifth day and did not apply for leave for this day. For the month of September 2008, OIOS calculated that interpreters were absent from office around 143 days, though they were paid salary of approximately \$60,000 for these days. On a yearly basis, the same trend of absence would imply expenditures of around \$720,000 on interpreters' salary for days they were not in office.

40. CLSS commented that interpreters' workload is dictated by the nature of their work (the pressures and stresses can be compared to that of air traffic controllers). The interpreters' booth hours are not their only working hours and credit should be calculated for preparation time (highly technical hearings may require prior reading of hundreds of pages of material) and in the circumstances the 5th day cannot be used for translation as it is used for preparation. Furthermore, interpreters' office attendance cannot be compared to the standard 37.5 hour workweek at ICTY since interpreters do not have adequate office space for preparation, but have to work at home and when not in the booth, interpreters remain on call at short-notice.

41. CLSS further commented that the Chief Interpreter at the United Nations at Geneva (UNOG) confirmed that the same arrangement in terms of office space and attendance is in place not only in Geneva, but in the New York and Vienna offices as well. While acknowledging the response of the CLSS, OIOS is of the

opinion that there needs to be a formal recognition of the current arrangements from the Department for General Assembly and Conference Management (DGACM). OIOS is not aware of any documentation stating that ICTY interpreters are not governed by the same regulations and conditions of service as other staff.

Recommendation 10

(10) The ICTY Administration should consult with the Department for General Assembly and Conference Management on the issue of the current arrangement for working hours and deployment of conference interpreters.

42. *The ICTY Administration accepted recommendation 10 and stated that they would consult with DGACM on the issue of the current arrangement for working hours and deployment of conference interpreters. ICTY however noted that existing arrangements have been in place since 2002 and were approved by the Registrar. Recommendation 10 remains open pending confirmation of reference to DGACM on the issue of the current arrangement for working hours and deployment of conference interpreters and receipt of clarification from DGACM.*

Language Services within the OTP

43. The Language Unit, part of the Information, Evidence and Linguistic Section currently consists of some 62 General Service staff, of which some 35-40 are deployed for translation purposes. The OTP has stated that the Language Unit within OTP was set up to meet an extremely tight deadline imposed by the Trial Chamber in the Krajisnik pre-trial proceedings, which left it with no alternative but to engage a team of translators. The unit was initially conceived as a temporary measure, however when the urgent work was completed, OTP continued to maintain the unit because of advantages it offered. OTP commented that without the resources of the OTP Language Unit, the trials would come to a complete halt if they had to await translations from CLSS, as the CLSS was busy with the defence phase of two multi-accused cases.

Staffing and workload norms

44. The OTP's Language Unit lacked credible workload norms and performance indicators. Staffing requirements projected in the budget documents were therefore not based on sound justification. The 2006 - 2007 and 2008 - 2009 budget submission note that the estimated number of pages requiring translation / transcription was expected to be 320,000 and staff requirements were projected based on a 16 pages per person rate using 220 days per year.

45. OIOS assessed that the yearly output for OTP Language Unit has ranged from 10,000 to 26,000 pages per year, in the previous four years. Considering that the GTA staffing projections were based on 16 pages per day, output for language staff which should typically yield an output of some 140,800 pages per year (16*40*220). Either the staffing projections were incorrect or the norm

needed revision. The standard UN output for translators is about 5.5 pages per day and therefore a norm, which is nearly three times the standard United Nations norm, requires reconsideration. The OTP's estimate of the quantum of work for the biennium at 320,000 pages appears greatly excessive as it far exceeds the historical trends for translation outputs for OTP. This increases the risk of inaccurate staff projections, which could prolong the life of the unit unnecessarily.

Recommendation 11

(11) The ICTY Office of the Prosecutor (OTP) should review the existing workload norms mentioned in the ICTY budget document for the OTP Language Unit and ensure that the staffing projections are based on credible workload estimates and norms.

46. *The OTP accepted recommendation 11 and stated that the revised norms would be incorporated into the 2010-2011 budget submission. Recommendation 11 remains open pending receipt of the relevant budget documents in which the revised staffing norms have been incorporated.*

Relevance of OTP Language Unit

47. *The maintenance of the OTP Language unit, with limited links to CLSS, represents duplication of resources, which has not been formally reviewed by ICTY to confirm whether the arrangement of having separate language services continues to be justified so many years after its initial creation. Moreover, the arrangement may not represent efficient allocation of resources. Considering that the CLSS and the OTP Language Unit are essentially performing the same kind of work, there is a need of coordination between the two language service providers. Given that the CLSS is the official language services provider to the ICTY, the OTP Language Unit needs to consult with the CLSS about administering, monitoring and quality control within the OTP.*

48. *Since translators at the ICTY range from GS-5 to P-4, it is necessary to define and categorize the kinds of translation required and match these with the level of translator skill to ensure the most cost-effective use of translation resources. It needs to be understood that there could be requirements for both Chamber-level and consequently highly refined translations as also translations with a lesser degree of importance. Though ICTY has established a priority protocol for translations, the categories of translations have not been defined. The issue of coordination needs to be addressed in the context of the fact that the OTP is an independent organ and that there is separation of duties and responsibilities between the three principal organs.*

Recommendation 12

(12) The ICTY Administration and the Office of the Prosecutor (OTP) should undertake a formal review to assess

the justification to maintain separate language service resources within the OTP.

49. *The OTP did not accept recommendation 12, stating that it did not believe a formal review is warranted at this early stage. The amount of work that is being submitted together with the liaison/co-ordination between the OTP Language Unit and CLSS makes it abundantly clear that both language service resources are required. The OTP depends on an instantly available and highly flexible Language Assistance service and in many cases CLSS cannot accommodate OTP's most immediate needs for assistance on short notice. Unlike the CLSS translators, OTP Language Assistants are also involved in numerous other projects such as the processing of intercepts, quality control of document coding, redaction of witness statements, reviewing of video material, and other tasks.*

50. OIOS is unable to accept the assertion that it is too early for a formal review. The OTP's Language Unit has been in existence for a decade, though it was initially conceived of only as a temporary measure. The continuation of existing arrangements that are duplicative needs to be reviewed. Recommendation 12 remains open pending review of current arrangements involving translations by separate and independent units, one under Registry and the other within the OTP.

C. Monitoring of outsourced contracts

Need to review contract for court reporting Services

51. There has been a significant increase in expenditures under the 2008 contract for court reporting services. M/S Viva Voce has been providing court reporting (transcript) services to the ICTY courtrooms for more than a decade. Following a bidding exercise in late 2007 at which the company emerged as the sole responsive bidder, the company was once again awarded the contract for English and French court reporting services. The contract was approved by the Local and Headquarters Committees on Contracts.

52. The new contract, which started in February 2008, should see the Tribunal into its expected close down phase in 2011. Table 3 shows some of the principal differences between the previous contract and the new contract.

Table 3: Principal differences between the old and the new contract

Services covered	Old contract	New contract rates for 2008. Additionally, the rates will increase by approx 5 per cent each year
Court reporting English Fixed fee	\$1,075 plus \$500 for 2nd sitting	Euro 776 (\$1,023 at January 08 rates)
Court Reporting French Fixed fee	\$1200 for all sittings	Euro 509.25 (\$740)
Cost per page	No charges per page	Euro 8.73 for English and Euro 15.27 per page for French
Accommodation Allowance for Viva voce staff	\$715	Euro 1050 per month (\$1522)
Meal Allowance for Viva voce staff	\$35	Euro 20 per person per day

53. In addition, the contract rates are now denominated in Euros, whereas the US Dollar was used previously. Another change was that 65⁶ meetings previously charged only on per page basis, but are now on par with court sessions and charged fixed fees as well as per page costs. The immediate effect of the new contract can be gauged from the data compiled in Table 4, which compares charges for six months (February through July) under the old contract with the charges for the same period in 2008 under the new contract.

Table 4: Comparative review of expenditures under the old and new contracts

Contract	Charges for 6 months February through till July	Average cost per month	Hearing days for six months (Feb to July)	Average cost per court hearing day
Previous contract expenditures for 2006	\$796,525	\$132,754 p/m	346	\$2,302
Previous contract expenditures for 2007	\$1,142,050	\$ 190,341 p/m	484	\$2,360
Current contract 2008	\$ 2,124,579 (Euro 1,465,227)	\$354,096 p/m	433	\$4,907

54. There has been an all round increase in expenditures under the new contract. Charges for six months (February through July 2008) increased by 86 per cent as compared to 2007. The average costs per hearing day increased in 2008 by 113 per cent compared to 2006 and by 108 per cent compared to 2007. The number of hearing days in the six months actually declined by 10 per cent in 2008 as compared to 2007 even though the costs have increased substantially. The higher costs for 2008 are mainly due to the introduction of the element of

⁶ Preliminary meetings convened by the pre-trial Judge or Senior Legal Officer, where among other things work plans are established.

costs per page, which was earlier part of the fixed fee. The budget submission for 2008 - 2009 estimated that for 2008 the costs for court reporting services would be \$2,383,858 for 989 court days. However, OIOS' analysis showed that the actual costs for the six months (February – July 2008) were about \$2,124,579 for 433 court days indicating that the estimates were significantly under-budgeted.

55. ICTY commented that as per Financial Regulation 5.12 and Procurement Manual paragraph 1.5 their assessment of the received bids was based on the principles of Best Value for Money prior to recommending the award, i.e. cost and non-cost related factors, market environment, competitive, fair and transparent sourcing process as well as risk factors. OIOS is not questioning the tendering process, but is of the view that a review needs to be performed to assess whether the current contract represents best value for money.

Recommendation 13

(13) The ICTY Administration should ensure that Conference and Language Services and Procurement Sections undertake a review of the Viva-Voce court reporting contract prior to the first optional extension to assess whether it offers best value for money and adequately protects the financial interests of the ICTY.

56. *The ICTY Administration accepted recommendation 13 and carried out a review of the Viva Voce contract, adding that ICTY appreciated OIOS' concerns on the increase of the costs associated with the new contract. A detailed analysis to review the viability of having an in-house staff capability compared to contracting out the service showed that the provision of in-house services was estimated at roughly Euro 4.5 million annually, whereas in-house costs were Euro 2.6 million for 2008. Further, the previous contract was initially priced in dollars at a time of severe dollar/euro exchange rate fluctuations. From 2001 to 2007, the contractor was obliged to perform at a constant dollar rate with no provision for CPI adjustment. As the majority of the contractor's costs are locally incurred, all exchange rate changes to the dollar were borne by the contractor. The annual costs for software and equipment under the new contract are the full responsibility of the contractor and these costs are estimated at Euro 300,000. Also under the prior contract they were only required to provide 13 staff and are now required to provide 15 staff. In effect, the contractor is now providing a turn key operation for us rather than ICTY being responsible for aspects of the contract. Based on all of the above, ICTY believes it has obtained best value for money. Although ICTY acknowledges increased costs over the prior contract, the resulting increase is not significant enough to warrant a renegotiation particularly as such a renegotiation could result in even higher charges. Based on the action taken by ICTY, recommendation 13 has been closed.*

Need to define short hearing

57. In the previous contract, a distinction was made between a normal sitting which involved a session lasting up to 6.5 hours and a short sitting which could

last 3.5 hours. In the definitions section of the current Viva-Voce contract, this distinction has been done away with, though there is a reference to multiple short sittings in section 13.4 of the terms and conditions of the contract. As the Tribunal moves into the completion strategy phase, it is likely that there may be a need to define short-sittings and the applicable fixed fee, particularly for shorter events such as appeals hearings. Unless this is done, the Tribunal will need to pay for the entire 6.5 hours. ICTY commented that when two or even three sittings in different cases are held successively in the same courtroom and last in total less than 6.5 hours, only one fixed fee is applied and such sittings are considered as short. In OIOS' assessment, the duration and costs of a short hearing need to be defined in the contract.

Recommendation 14

(14) The ICTY Administration should ensure that Conference and Language Services and Procurement Sections discuss with Viva Voce whether it is possible to define a short sitting for which a reduced fixed fee could be agreed upon.

58. *The ICTY Administration accepted recommendation 14 and stated that ICTY is in the process of negotiating the definition of a "short sitting" and will report the outcome of those discussions. Recommendation 14 remains open pending the outcome of the discussions with Viva Voce on defining a short sitting.*

Improvements required in invoicing by Viva Voce

59. Improvements were required for the invoicing arrangements by the vendor as OIOS detected overcharges amounting to €6,395 (\$10,000). CLSS stated that credit notes had been raised for €6,395 (\$10,000). The overcharges related to charging of the fixed fee twice where the 6.5-hour limit had not been exceeded. Also in terms of paragraph 13.4 of the agreement, in the event there are multiple short sittings not exceeding 6.5 hours, the fixed fee shall be applied only once. This was not consistently observed by the vendor, leading to overcharges. ICTY administration commented that that credit notes for €6,395 (\$10,000) had been received from the vendor and adjustments carried out.

Recommendation 15

(15) The ICTY Administration should ensure that Conference and Language Services and Procurement Sections request Viva-Voce to improve their invoicing arrangements so that the vendor raises accurate invoices in accordance with the agreement.

60. *The ICTY Administration accepted recommendation 15 and stated that they have alerted Viva Voce on the same subject on several occasions and would send a formal request with reference to this recommendation. Recommendation*

15 remains open pending a formal reference to Viva Voce on the need to improve invoicing.

V. ACKNOWLEDGEMENT

61. We wish to express our appreciation to the Management and staff of ICTY for the assistance and cooperation extended to the auditors during this assignment.

STATUS OF AUDIT RECOMMENDATIONS

Recom. no.	Recommendation	Risk category	Risk rating	C/O	Actions needed to close recommendation	Implementation date ²
1	The ICTY Administration should seek the advice of the Office of Programme Planning, Budget and Accounts on whether General Temporary Assistance expenditure on posts and related salaries/common staff costs can be charged to object code 0042 (temporary assistance meetings-translation and revision).	Financial	Medium	C	Action completed.	Implemented
2	The ICTY Administration should ensure that the Conference and Language Services Section obtains from its staff signed declarations affirming that they have read and understood the provisions contained in Rule 76 of the ICTY Rules of Procedure and Evidence.	Compliance	Medium	O	Confirmation that the CLSS has commenced obtaining from its staff signed declarations signifying that they have read and understood the Rule provisions.	June 2009
3	The ICTY Administration should ensure that given the recent developments such as the arrest of fugitives and possible slippages in trials, the Conference and Language Services Section formally reviews its current projections of the translation and interpretation workload over the remaining life of the Tribunal and produces a revised assessment of the staffing resources.	Operational	Medium	O	Receipt of a revised assessment of the staffing resources.	May 2009
4	The ICTY Administration should ensure that the Court Management and Support Section undertakes a staffing review to equip the Office of Document Management with sufficient resources to enable it to discharge its responsibilities effectively.	Human Resources	High	O	Creation of appropriate staffing resources within ODM to enable it to work effectively.	Ongoing
5	The ICTY Administration should ensure	Operational	Medium	O	Submission of the new standard procedure	Not provided

Recom. no.	Recommendation	Risk category	Risk rating	C/O ¹	Actions needed to close recommendation	Implementation date ²
	that the Office of Document Management is given sufficient authority to enable it to enforce the 2006 policy statement on prioritization of documents. This should include provision of awareness and orientation sessions to the clients on how to properly assign priority to translation requests.				to OIOS and its implementation in ICTY.	
6	The ICTY Administration should ensure that the Office of Document Management and the Conference and Language Services Section play a more pro-active role of facilitators with clients by setting up effective coordination mechanisms to regulate workflows including prioritization, page limitations and forecasting.	Operational	Medium	O	Creation of effective coordination mechanisms such as working groups to regulate workflows.	Not provided.
7	The ICTY Administration should formally lay down productivity norms for translators so that performance measurements of translators can be undertaken that indicate the extent to which the Conference and Language Services Section is utilizing its resources efficiently and effectively.	Operational	High	O	Formalization of translation workload standards to assist with performance assessment.	October 2009
8	The ICTY Administration should ensure that the Conference and Language Services Section undertakes a periodic comprehensive capacity planning exercise, using established performance indicators that properly assess internal resources and their effective utilization before considering external resources.	Information Resources	Medium	O	Implementation of a comprehensive capacity planning exercise	June 2009
9	The ICTY Administration should ensure that the Conference and Language Services Section undertakes customer surveys covering relevant aspects of language services. Surveys could include meaningful measures of performance and cover the	Operational	Medium	O	Conduct of a customer survey of clients served by the language services.	December 2009

Recom. no.	Recommendation	Risk category	Risk rating	C/O ¹	Actions needed to close recommendation	Implementation date ²
	Defence, Office of the Prosecutor and Chambers to whom translation or interpretation services are provided.					
10	The ICTY Administration should consult with the Department for General Assembly and Conference Management on the issue of the current arrangement for working hours and deployment of conference interpreters.	Operational	High	O	Reference to the DGACM and receipt of clarification.	October 2009
11	The ICTY Office of the Prosecutor (OTP) should review the existing workload norms mentioned in the ICTY budget document for the OTP Language Unit and ensure that the staffing projections are based on credible workload estimates and norms.	Human Resources	Medium	O	Review of the existing workload norms in the OTP Language Unit.	Not provided.
12	The ICTY Administration and the Office of the Prosecutor (OTP) should undertake a formal review to assess the justification to maintain separate language service resources within the OTP.	Operational	High	O	Formal review to assess the justification to maintain separate language service resources.	Not provided
13	The ICTY Administration should ensure that Conference and Language Services and Procurement Sections undertake a review of the Viva-Voce court reporting contract prior to the first optional extension to assess whether it offers best value for money and adequately protects the financial interests of the ICTY.	Financial	Medium	C	Action completed.	Implemented
14	The ICTY Administration should ensure that Conference and Language Services and Procurement Sections discuss with Viva Voce whether it is possible to define a short sitting for which a reduced fixed fee could be agreed upon.	Financial	Medium	O	Definition of short hearing.	Not provided
15	The ICTY Administration should ensure that Conference and Language Services and Procurement Sections request Viva-	Financial	Medium	O	Formal reference to vendor.	Not provided

Recom. no.	Recommendation	Risk category	Risk rating	C/ O ¹	Actions needed to close recommendation	Implementation date ²
	Voce to improve their invoicing arrangements so that the vendor raises accurate invoices in accordance with the agreement.					

1. C = closed, O = open
2. Date provided by ICTY in response to recommendations.