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INTEROFFICE MEMORANDUM

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

CONFIDENTIAL

DATE: 29 December 2011

TO: Mr. Adama Dieng, Registrar
A: International Criminal Tribunal for Rwanda

REFERENCE: IAD: 11- 00775

FROM: Fatoumata Ndiaye, Director
TO: Internal Audit Division, OIOS



SUBJECT: **Assignment no. AA2011/260/02 – Audit of archiving and records management in ICTR**
OBJET:

Overall results relating to the efficient and effective management of ICTR archives and records and preparatory arrangements for their transfer to the International Residual Mechanism for Criminal Tribunals were partially satisfactory

1. Attached please find the final report on the above-mentioned audit.
2. Annex I shows the status of recommendations.
3. Please note that OIOS will report on the progress made to implement its recommendations in its annual report to the General Assembly. OIOS will also report to the Secretary-General quarterly for critical recommendations and annually for important recommendations.

cc: Ms. Sarah Kilemi, Director Division of Administrative Support Services, ICTR
Ms. Bridget Sisk, Chief of United Nations Archives and Records Management Section
Mr. Swatantra Goolsarran, Executive Secretary, UN Board of Auditors
Mr. Rohan Wijeratne, Board of Auditors
Ms. Susanne Frueh, Executive Secretary, Joint Inspection Unit
Mr. Moses Bamuwamye, Executive Secretary, IAAC
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Ms. Amy Wong, Programme Officer, Internal Audit Division, OIOS



INTERNAL AUDIT DIVISION

AUDIT REPORT

Audit of archiving and records management in ICTR

Overall results relating to the efficient and effective management of ICTR archives and records and preparatory arrangements for their transfer to the International Residual Mechanism for Criminal Tribunals were partially satisfactory

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Assignment No. AA2011/260/02

CONTENTS

	<i>Page</i>
I. BACKGROUND	1
II. OBJECTIVE AND SCOPE	1 - 2
III. AUDIT RESULTS	2 - 5
IV. ACKNOWLEDGEMENT	5
ANNEX I Status of recommendations	
APPENDIX Management response	

AUDIT REPORT

Audit of archiving and records management in ICTR

BACKGROUND

1. The Office of Internal Oversight Services (OIOS) conducted an audit of archiving and records management at the United Nations International Criminal Tribunal for Rwanda (ICTR), in Arusha, the United Republic of Tanzania.

2. ICTR was mandated to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States between 1 January 1994 and 31 December 1994.

3. The Tribunal is composed of the Chambers, the Office of the Prosecutor (OTP) and the Office of the Registrar. Archiving and records management are maintained independently of each other by different units under each of the main organs of ICTR. The three principal archiving units are as follows:

- The Information and Evidence Support Section, which is responsible for the management of the archiving and records of the OTP;
- The Judicial Records and Archives Unit, which is responsible for the management of the judicial records of the Tribunal; and
- The Archives and Registry Unit, which is responsible for the management of administrative records of the Division of Administrative Support Services.

4. On 22 December 2010, the Security Council established the International Residual Mechanism for Criminal Tribunals (IRMCT) which was tasked to manage the archives of ICTR and the International Criminal Tribunal for the former Yugoslavia (ICTY), including preservation and access, and ensure the continued protection of confidential information, including information concerning protected witnesses and information provided on a confidential basis. It will have two branches: (a) ICTR will commence on 1 July 2012 and (b) ICTY will commence on 1 July 2013.

5. Comments provided by ICTR are incorporated in *italics*.

OBJECTIVE AND SCOPE

6. In accordance with its mandate, OIOS provides assurance and advice on the adequacy and effectiveness of the United Nations internal control system, the primary objectives of which are to ensure (a) efficient and effective operations; (b) accurate financial and operational reporting; (c) safeguarding of assets; and (d) compliance with mandates, regulations, and rules.

7. The audit of archiving and records management at ICTR was conducted to assess the adequacy and effectiveness of the Tribunal's governance, risk management and control processes in providing reasonable assurance regarding the efficient and effective management of ICTR archives and records and preparatory arrangements for their transfer to IRMCT, concerning the internal control objectives: efficient and effective operations; safeguarding of assets; and compliance with mandates, regulations, and rules.

8. This audit was selected because ICTR archives, records management, and preparatory arrangements for their transfer to IRMCT is a recent creation and an essential function of the Tribunal.

9. The key controls tested for the audit were: (a) risk management and strategic planning mechanisms; (b) documentation retention policy; (c) coordinated management mechanisms; (d) electronic content management systems; and (e) regulatory framework. For the purpose of this audit, OIOS defined these key controls as follows:

(a) Risk management and strategic planning mechanisms - controls that provide reasonable assurance that risks relating to the ICTR archives and records management are identified and assessed, and effective strategies have been put in place to ensure efficient and effective transfer of ICTY archives and records to IRMCT.

(b) Documentation retention policy - controls that provide reasonable assurance that a documentation retention policy exists to ensure that critical documentation is kept and transferred to the IRMCT for future reference.

(c) Coordinated management mechanisms - controls that provide reasonable assurance that potential overlaps in performing archiving and records management at ICTR are mitigated, and that issues affecting or involving other UN partners and parties are identified, discussed and resolved timely.

(d) Electronic content management systems - controls that provide reasonable assurance that a system exists, including policies, strategies, methods and tools, to organize and store ICTR documents and other contents that relate to its archives.

(e) Regulatory framework - controls that provide reasonable assurance that policies and procedures exist to guide the operations of the archiving and records management of the Tribunal.

10. The key controls were assessed for the control objectives shown in Table 1. Certain control objectives (shown in Table 1 as “Not applicable”) were not relevant to the scope defined for this audit.

11. OIOS conducted the audit from May to June 2011. The audit covered the period from January 2009 to June 2011.

12. OIOS conducted an activity-level risk assessment to identify and assess specific risk exposures, and to confirm the relevance of the selected key controls in mitigating associated risks. Through interviews, analytical reviews and tests of controls, OIOS assessed the existence and adequacy of internal controls and conducted necessary tests to assess their effectiveness.

AUDIT RESULTS

13. In OIOS opinion, risk management, control and governance processes examined were **partially satisfactory** in providing reasonable assurance regarding the efficient and effective management of ICTR archives and records, and preparatory arrangements to transfer these records timely to IRMCT.

14. The overall rating is based on the assessment of key controls presented in Table 1 below. Following the setting up of the archives and records management working group in May 2010, there had been a more coordinated approach to the managing of archives and records in ICTR. The Tribunal was also in the process of designing and implementing a disaster recovery plan for paper and electronic archives, which would involve a hot-site data backup system outside of Arusha connected to the

Tribunal’s servers via a data link. The Tribunal had recognized the deteriorating state of the archives of the registry stored in containers and had taken a pro-active stance in identifying adequate temporary storage facilities. Progress had also been made in the digitization and re-housing of material. Although there is still a backlog in the redaction of audio-visual material, the activity is underway and management has been able to make more accurate timeframe projections for its completion. Areas in need of improvement included: (a) ensuring that a comprehensive status of the project is included in the semi-annual report of the President and the Prosecutor to the Security Council; (b) re-locating the archives and records stored in the containers to a suitable temporary archival facility; and (c) reviewing and approving the retention schedules.

Table 1: Assessment of key controls

	Key controls	Control objectives			
		Efficient and effective operations	Accurate financial and operational reporting	Safeguarding of assets	Compliance with mandates, regulations and rules
Efficient and effective management of ICTR archives and records and preparatory arrangements for their transfer to the IRMCT	(a) Risk management and strategic planning mechanisms	Not applicable	Not applicable	Partially satisfactory	Partially satisfactory
	(b) Documentation retention policy	Not applicable	Not applicable	Partially satisfactory	Partially satisfactory
	(c) Coordinated management mechanisms	Partially satisfactory	Not applicable	Not applicable	Not applicable
	(d) Electronic content management systems	Partially satisfactory	Not applicable	Partially satisfactory	Partially satisfactory
	(e) Regulatory framework	Not applicable	Not applicable	Partially satisfactory	Partially satisfactory

Risk management and strategic planning mechanisms

15. The statute requires each Tribunal to provide to the Security Council semi annually, assessments by its President and Prosecutor, setting out in detail the progress made towards implementation of the completion strategy and measures that remain to be taken. While the accomplishments of the records management and archives projects were contained in the reports, there were no indications of what measures still remained to be taken.

(1) The Registrar of ICTR should assess what measures remain to be taken to finalize the transfer of archives to IRMCT, with implementation timeline and include project status in semi-annual reports to the Security Council.

ICTR accepted recommendation 1 and stated that this issue was the primary focus of the most recent Joint Archives Strategy Working Group (JASWG) meeting, which took place at the end of September

2011. Measures required for the transfer of archives to IRMCT were identified, tasks were assigned and deadlines set. It was also agreed that IRMCT's Chief Archivist post will be included in the transition team, and will be recruited in 2012. Recommendation 1 remains open pending receipt of a document detailing the measures required for the transfer of the archives, tasks assigned and deadlines.

16. Due to the lack of archival facilities, some administrative and judicial records have been stored in containers since 2006. At the time of the audit, there were leakages and mould was building up on the files and archives stored in the containers with the risk of compromising the documents. Since 2007, the need to find a temporary archiving facility became more urgent. This urgency derived both from the deteriorating state of the archives and the increasing volume of archives, stemming from: (a) the inability to dispose of records due to the lack of retention schedules; and (b) the increased focus by offices of the Tribunal to address backlogs of material to be archived in light of the closing of the Tribunal. Furthermore, the Tribunal's branch in Kigali will be closing and all of its archives will be transferred to Arusha.

(2) The Registrar of ICTR should re-locate the archives and records stored in the containers to a suitable temporary archival facility, which should also be sufficient to house any future archives, including those expected from Kigali.

ICTR accepted recommendation 2 and stated that the 1,000 square meter space within its premises had been cleared, and resources had been allocated for its renovation from the 2010-2011 budget. A consultancy was conducted in October to determine the feasibility of the use of this space for the temporary archival facility, and it has been determined that renovations can be completed using existing resources. The procurement process is underway for the renovation work, which is expected to be completed in the first quarter of 2012. Implementation of the project to re-structure and re-furbish the space for the temporary location of the archives is underway. Requisitions for equipment have been raised and approved. Recommendation 2 remains open pending the re-location of the archives and records stored in the containers to a suitable temporary archival facility.

Documentation retention policy

17. Article 4.1 of ST/SGB/2007/5 states that "departments and offices shall develop and implement a policy regarding the retention of their records, including transitory records, through a records retention schedule subject to approval by the Archives and Records Management Section (ARMS)". Consequently, ICTR submitted the draft retention policy and schedules to ARMS for review, harmonization and approval on 17 March 2011, but ARMS still has not approved the retention schedules. The lack of an approved retention schedule could lead to unnecessary high storage costs and the risk that it may not be able to complete the preparations for hand over to IRMCT by 1 July 2012.


(3) ICTR should obtain the approval of the Archives and Records Management Section to the retention schedules already submitted by the Tribunal.

ICTR accepted recommendation 3 and stated that, as a result of the September 2011 Joint Archives Strategy Working Group (JASWG) meeting, it was agreed that the ICTR would undertake the task of identifying discrepancies between the draft schedules submitted by the two Tribunals with a goal of harmonizing significant differences. This comparison will facilitate the review by ARMS. As of the end of November, the ICTR review of the Office of the Prosecutor-led functions has been nearly

completed. According to the deadlines set at the September 2011 JASWG meeting, the drafts of all functions of the Tribunals will have been reviewed by ARMS by the end of 2011. Recommendation 3 remains open pending the review and approval of ICTR retention schedules by ARMS.

ACKNOWLEDGEMENT

19. OIOS wishes to express its appreciation to the Management and staff of ICTR for the assistance and cooperation extended to the auditors during this assignment.



Ms. Fatoumata Ndiaye, Director
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STATUS OF RECOMMENDATIONS

Audit of archiving and records management in ICTR

Recom. no.	Recommendation	Risk category	Risk rating	C/O ¹	Actions needed to close recommendation	Implementation date ²
1	The Registrar of ICTR should assess what measures remain to be taken to finalize the transfer of archives to the Mechanism, with implementation timeline and include project status in semi-annual reports of the President and the Prosecutor of the Tribunal to the Security Council.	Strategic	Important	O	Receipt of the document detailing the measures required for the transfer of the archives, tasks assigned and deadlines.	1 July, 2012
2	The Registrar of ICTR should re-locate the archives and records stored in the containers to a suitable temporary archival facility, which should also be sufficient to house any future archives, including those expected from Kigali.	Operational	Important	O	The re-location of the archives and records stored in the containers to a suitable temporary archival facility.	30 June, 2012
3	ICTR should obtain the approval of the Archives and Records Management Section to the retention schedules already submitted by the Tribunal	Operational	Important	O	The review and approval of ICTR's retention schedules by ARMS.	31 January 2012

1. C = closed, O = open

2. Date provided by ICTR in response to recommendations.