

**Report of the Office of Internal Oversight Services on an
audit of the international component of the Extraordinary Chambers in the
Courts of Cambodia**

(A/74/281)

**Statement to the Fifth Committee by the
Under-Secretary-General for Internal Oversight Services**

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Mr. Chair, distinguished Members of the Fifth Committee,

I am pleased to introduce the report of the Office of Internal Oversight Services (OIOS) on an audit of the international component of the Extraordinary Chambers in the Courts of Cambodia, contained in document A/74/281.

OIOS conducted this audit at the request of the General Assembly in its resolution 73/279A. The audit was conducted in New York and Phnom Penh, Cambodia from February to May 2019. The objective of the audit was to assess whether the operations of the international component of the Extraordinary Chambers were effective and efficient in supporting the achievement of the mandate of the component.

Overall, the international component of the Extraordinary Chambers made progress in executing its mandate by supporting the completion of three cases as at 31 March 2019, and four cases that were ongoing and at various stages of completion. The United Nations Assistance to the Khmer Rouge Trials, which is the administrative mechanism that supports the Extraordinary Chambers, was preparing quarterly completion plans in collaboration with the judicial chambers and judicial offices that were providing projections for the case timelines. Several factors hindered the ability to meet these milestones, including the unpredictable nature of trials and

judicial processes, funding challenges and the need to review and revise a large number of previously transcribed documents.

The United Nations Assistance to the Khmer Rouge Trials established efficiency-enhancing measures and streamlined processes to mitigate the funding challenges and to respond to dynamic operational requirements. For example, to ensure that staff turnover did not affect judicial activities, the United Nations Assistance to the Khmer Rouge Trials filled all critical posts, including with short-term staff, contractors and consultants. They also implemented adequate controls over general operating expenditures.

The audit identified that requirements to translate legal documents were not always duly communicated and considered in the projection of case completion timelines. Also, the Extraordinary Chambers did not establish a mechanism to monitor a requirement from the Bar Association of Cambodia that foreign lawyers continue to maintain their registration with the bar association of their country of origin, to be eligible to serve as members of the defence teams of the Extraordinary Chambers in the Courts of Cambodia. In addition, there was a need to streamline some administrative and human resources management arrangements.

Mr. Chairman, distinguished delegates,

In this report, OIOS issued four recommendations for the United Nations Assistance to the Khmer Rouge Trials to: (i) liaise with the judicial chambers and offices to ensure that translation requirements are duly communicated and considered in the projection of completion timelines for the remaining cases; (ii) establish mechanisms to monitor the continued eligibility of foreign lawyers to serve as members of the defence teams of the Extraordinary Chambers in the Courts of Cambodia; (iii) review and renegotiate the memorandum of understanding between the United

Nations Assistance to the Khmer Rouge Trials and the Economic and Social Council for Asia and the Pacific (ESCAP) for the provision of select administrative support services to the United Nations Assistance to the Khmer Rouge Trials; and (iv) ensure staff complete mandatory training and timely performance appraisals.

OIOS is pleased to acknowledge that the United Nations Assistance to the Khmer Rouge Trials has implemented three recommendations and has started to implement the fourth recommendation on the review of the memorandum of understanding with ESCAP.

We will follow up the status of implementation of the outstanding recommendation next year.

Thank you, Mr. Chairman.