

INTERNAL AUDIT DIVISION

AUDIT REPORT

UN Police in UNMIT

4 March 2008

Assignment No. AP2007/682/01

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 Atul Khare
A: Special Representative of the Secretary-General
United Nations Integrated Mission in Timor-Leste

DATE: 4 March 2008

REFERENCE: IAD: 08-01087

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



SUBJECT: **Assignment No. AP2007/682/01 – Audit of United Nations Police in UNMIT**
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 5 and 6 in the OIOS recommendations database as indicated in the annex. 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 the annex.
3. Please note that OIOS will report on the progress made to implement its recommendations, particularly those designated as critical (i.e., recommendations 1, 3 and 4), in its annual report to the General Assembly and semi-annual report to the Secretary-General.

cc: Mr. Rodolfo Tor, Police Commissioner, UNMIT
Mr. Hubert Price, Chief of Mission Support, UNMIT
Mr. Swatantra Goolsarran, Executive Secretary, UN Board of Auditors
Mr. Byung-Kun Min, Programme Officer, OIOS

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 United Nations Police in UNMIT

The Office of Internal Oversight Services (OIOS) conducted an audit of the United Nations Police in the United Nations Integrated Mission in Timor-Leste (UNMIT) from July to September 2007. The overall objectives of the audit were to examine the coordination and monitoring mechanisms exercised by the Police Division at Headquarters with the Mission; assess the efficiency and effectiveness of police operations and mandate fulfillment; and identify lessons learned to recommend preventive measures and leading practices. The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.

UN police operations within UNMIT were generally satisfactory. However, there were some areas that required corrective action and some improvement opportunities, as follows:

- A ban had been placed by the Department of Peacekeeping Operations (DPKO) on the use of rubber bullets within UNMIT. This had a detrimental impact on the operational effectiveness of the Formed Police Units within the Mission in terms of maintenance and control of the security situation. While a temporary exemption was granted to the Mission at the time of unrest, this was not a permanent solution and the review being performed by DPKO needs to be expedited in order to ensure that UNMIT is ready to face security challenges in the future.
- A number of critical positions within the Office of the Police Commissioner had not yet been filled and were being performed by police officers who were subject to the rotation policy thereby affecting the continuity of operations and institutional memory.
- There is a need to revisit the supplemental agreement to the status of forces agreement between the United Nations and the Democratic Republic of Timor-Leste concerning the command responsibility of the UNMIT Police Commissioner over the Timorese National Police to ensure that command and control over the local police force are clarified.
- The level of vehicle accidents involving UN Police officers within the Mission is high. Driver education and safety awareness, especially in respect of UN Police officers who drive constantly as part of their patrolling duties, need to be better targeted.

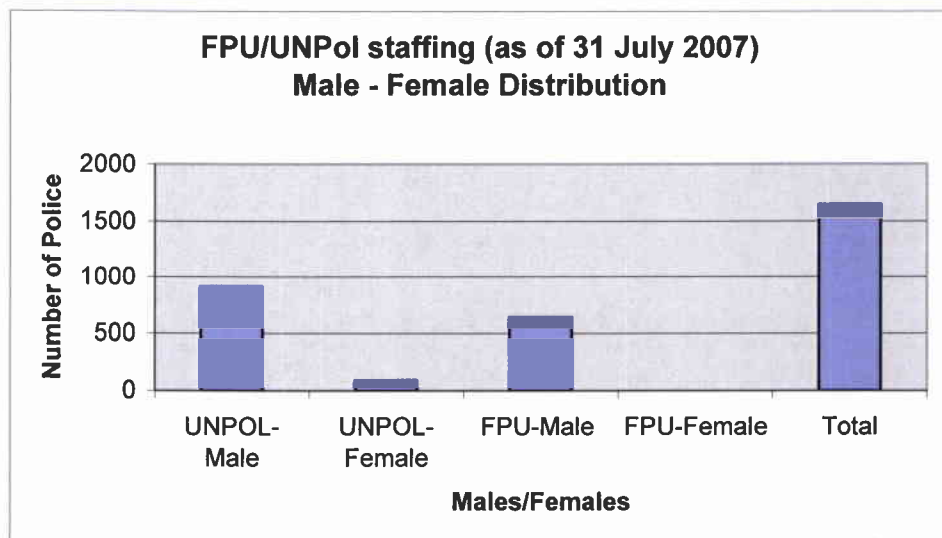
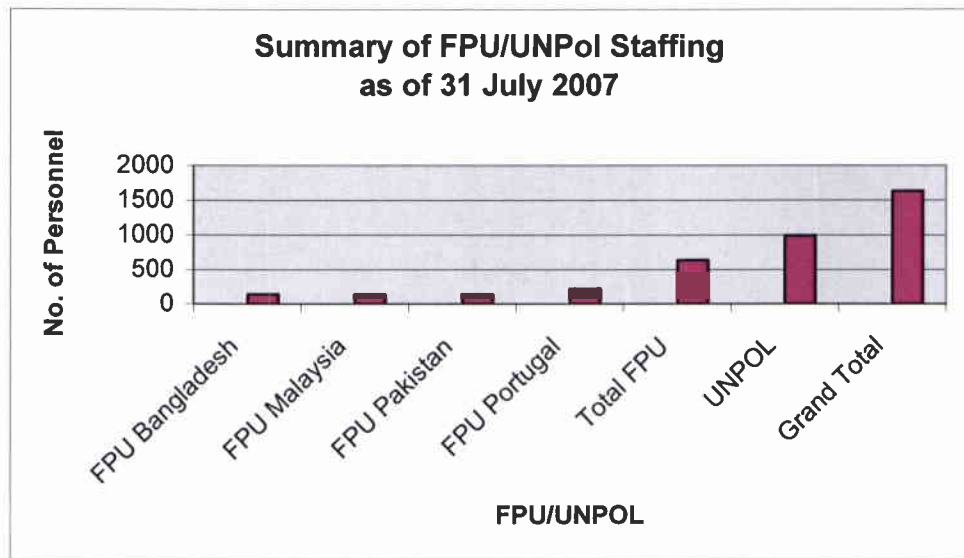
OIOS made recommendations, which if implemented, would help to improve the operations of the UN Police within UNMIT.

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I. INTRODUCTION

1. The Office of Internal Oversight Services (OIOS) conducted an audit of the United Nations Police in the United Nations Integrated Mission in Timor-Leste (UNMIT) from July to September 2007. The audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing.
 2. United Nations Police (UNPol) are a key component of peacekeeping operations. They symbolize a return to normality after conflict in a war-torn country. Often, the root cause of conflicts around the globe emanates from abuse of wealth and power, and the local police authority represents a constitutional mechanism to ensure good governance and rule of law. Therefore, the professionalism, integrity and image of the UN Police are critical to the success of peacekeeping operations.
 3. In its report A/58/19 (paragraph 88), the Special Committee on Peacekeeping Operations and its Working Group stated that it “recognizes that the establishment and strengthening of local rule of law capacities is an essential element in creating and sustaining stability in a post-conflict environment”. In that regard, “...the United Nations must pay special attention to and work closely with local actors to create police, judicial and correction structures that are consistent with both the local culture of the area and its people and accepted international standards”. The Committee “supports the increasing integration of UN Police expertise, together with other rule-of-law elements, in the integrated mission planning process, integrated mission task forces and mission assessment teams”.
 4. United Nations Security Council Resolution 1704 dated 25 August 2006 created UNMIT and further decided that the Mission will include up to 1,608 police personnel, a number which was subsequently increased under Resolution 1745 dated 22 February 2007 by a further 140 police personnel.
 5. Resolution 1704 mandated UNMIT “to ensure, through the presence of UNPol, the restoration and maintenance of public security in Timor-Leste through the provision of support to the Timorese National Police (PNTL)...which includes interim law enforcement and public security until PNTL is reconstituted, and to assist with the further training, institutional development and strengthening of the PNTL as well as the Ministry of Interior, and also assist in the planning and preparation of electoral-related security arrangements to adequately prepare the national police for performing their roles and responsibilities during the conduct of the 2007 election”.
 6. As of 31 July 2007, UNMIT’s police personnel strength was 1,636. The following tables provide a summary of the distribution of police personnel between Formed Police Units (FPUs), armed police who specialize in crowd and riot control, and UNPol officers, as well as the distribution of males to females within those categories.
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7. Comments made by UNMIT are shown in *italics*.

II. AUDIT OBJECTIVES

8. The major objectives of the audit, which was part of a horizontal audit covering four large missions with significant UNPol operations, were to:

- (a) Assess the resource allocation, policy direction, organization, programme coordination, management support and monitoring roles of UNPol operations in UNMIT by the Police Division at Headquarters; and

(b) Determine the efficiency and effectiveness of the Police Division, the adequacy of internal controls, and its compliance with existing policies, rules and regulations.

III. AUDIT SCOPE AND METHODOLOGY

9. As part of the horizontal audit of UNPol, which included a review of Police Division functions at Headquarters and police operations in selected peacekeeping missions, the audit focused on the management of UNPol operations at the Mission level. OIOS assessed the role of the UNMIT Police Commissioner and his office in monitoring police operations and mandate fulfillment from the inception of the Mission in August 2006 until July 2007, and interviewed responsible staff, reviewed records and conducted site visits to PNTL (Timorese National Police) Headquarters.

IV. AUDIT FINDINGS AND RECOMMENDATIONS

A. Programme formulation and strategy

Impact of the ban on using rubber bullets on Formed Police Unit operational effectiveness

10. A directive on Detention, Searches and Use of Force for United Nations Police Officers on assignment with UNMIT was issued by the Department of Peacekeeping Operations (DPKO) on 7 September 2006. Annex A of this directive listed the authorized law enforcement equipment for UNPol on assignment with UNMIT. This list did not include the use of rubber bullets. On 10 July 2007, code cable number 1612 was received from DPKO reinforcing the directive and expressly pointing out that carrying and using rubber bullets and bean-bag rounds are temporarily suspended until further notice pending a review being conducted by DPKO.

11. Several code cables were exchanged between UNMIT and DPKO, with UNMIT stressing the importance of using rubber bullets in Timor-Leste and seeking a dispensation for their continued use. Shotguns used to fire rubber bullets were included in the list of weapons that the FPU's deployed and for which the UN reimburses them in respect of contingent-owned equipment.

12. The directive effectively placed a ban on the use of rubber bullets, which had been the most effective means of dealing with certain types of violence in Timor-Leste. The ban had an impact on the operational effectiveness of the FPU's in dealing with violence. A temporary, conditional exemption from the ban was granted by DPKO for seven days, after persistent prompting by the Mission in order to assist the Mission in dealing effectively with the escalating level of violence at that time. This exemption was subsequently extended for another seven days and became a rolling extension once an application was received from UNMIT. The ban restricted the FPU's to other forms of response to violence,

which were not necessarily proportionate to the types of danger faced within the country.

13. The Mission was placed in a situation, immediately after the reinstatement of the ban on the use of rubber bullets, where the response of the FPU to violence was not proportionate or effective in dealing with the types of threats posed. As a result of the ban, the FPU were limited to using smoke grenades, gas grenades, and gun-launched tear gas as the non-lethal means available. While these were effective to some extent, they were not a sufficient deterrent. Tear gas, for example, disperses upon being launched, and due to the topography of Timor-Leste (hilly and non-confined) proved not very effective. The Mission's Joint Operations Centre reports indicated that the perpetrators of violence, realizing that rubber bullets were no longer being used became emboldened and would wait until the police were close enough before launching their weapons and running off with a view to causing maximum injury to the police officers. Ultimately, this situation potentially put the lives of UNPol and FPU personnel at risk.

Recommendation 1

(1) The UNMIT Police Commissioner should liaise with DPKO to finalize the review of the ban on the use of rubber bullets in a timely manner, and seek alternative, effective non-lethal means of responding to or deterring violence, if the ban is upheld.

14. *The UNMIT Police Commissioner accepted recommendation 1 and stated that the review is ongoing and that, in the meantime, the use of rubber bullets is being extended on a monthly basis.* Recommendation 1 remains open pending confirmation of the completion of the review by DPKO.

B. Resource generation and deployment

Vacancies in critical positions

15. Eight international civilian positions within the Office of the Police Commissioner have not yet been filled or were in the recruitment process at the time of the audit (one year after the start of the Mission). These positions include UN Police Adviser, Special Assistant to the Police Commissioner, Administrative Assistant, Civil Affairs Officer, Senior Restructuring, Rebuilding and Reform Coordinator, Training Officer and Planning Officer. These critical functions are currently being performed by UNPol officers who are subject to the rotation policy.

16. The international civilian positions included in the organization structure and the budget for the Police Commissioner's office are designed to provide continuity and to serve, together with the Senior Leadership Team, to establish the institutional memory of the office and to coordinate various aspects of restructuring, rebuilding and reform of the PNTL. The Mission has faced difficulties in recruitment and initially believed that these vacancies would be

filled by the Police Division in New York. DPKO indicated recently that these positions can be filled by the Mission under the terms of its delegated authority.

17. In the absence of officers who are not subject to the rotation policy in these positions, there is a lack of continuity in areas which are critical to the achievement of the UNPol mandate. Currently, whenever a rotation occurs, new officers, who do not possess the institutional memory, have to be appointed to these roles. As the restructuring, rebuilding and reform of the PNTL gains momentum, it is critical that the officers, who would spearhead this process, have continuity and a good understanding of lessons learned in order to provide the roadmap for the future.

Recommendation 2

(2) The UNMIT Police Commissioner should expedite the recruitment of United Nations Police Officers to fill key posts to ensure the proper discharge of critical functions and the continuity of operations.

18. *The UNMIT Police Commissioner accepted recommendation 2 and stated that the positions of Legal Advisor, Police System Advisor and Training Officer have now been filled. The position of Special Assistant to the Police Commissioner will be filled by 17 February 2008. The positions of Administrative Assistant, Planning Officer and Senior Restructuring, Rebuilding and Reform Coordinator are in the process of short-listing and confirmation.* Recommendation 2 remains open pending confirmation by the Mission of the finalization of all appointments.

Potential risks associated with the rotation process

19. It was expected that in October 2007, 130 Malaysian FPU officers, 180 Bangladeshi FPU officers as well as 376 UNPol officers of different nationalities will be rotated. This rotation includes approximately 42 per cent of total UN Police (both UNPol and FPUs) within the Mission. This is a logistical challenge and also a high risk activity if delays in bringing in the replacements occur at a time of continuing security challenges within the country.

20. The Guidelines for UNPol Officers on assignment with Peacekeeping Operations requests Member States to follow up their own rotations three months prior to the completion of the concerned UNPol officers' tour of duty and to plan the replacements of the officers on completion of their assignment. The Police Division is required to keep the Member States informed of rotations, as necessary. It is also a good practice to plan rotations with a view to maintaining stability and security throughout the rotation process.

21. Typically, the replacements arrive in the Mission area and are deployed in such a way as to minimize any security risks within the country. The replacements usually arrive at the same time or soon after the rotating officers leave the Mission area. The arrangements are normally fine-tuned through a credible rotation plan that ensures that no gaps in security occur at the time of the

rotations. One way that potential security gaps have been dealt with in some Missions is to plan the rotation in such a way that half of each Unit is rotated together leaving one-half of the Unit to rotate about two weeks thereafter, thereby allowing half of the replacements to receive proper induction and handover before the final group leaves the Mission area.

22. The Mission has been in existence for just over one year and this is the first time that a major rotation of this kind is being undertaken. Considering the FPU and UNPol numbers, 686 officers would rotate within a period of two to three weeks. This would put pressure on the Mission's logistical sections and on the operational effectiveness and readiness of the police to react to security situations if delays occur in getting the replacements deployed. There is a potential security risk to the Mission in areas covered by the rotating officers. For example, the Bangladeshi FPUs are deployed in the Eastern Districts which have seen much violence and disturbance in the immediate past and is now becoming somewhat normal. Any delay in deploying replacements to this area could be exploited by the perpetrators of violence to escalate security pressures within the country.

Recommendation 3

(3) The UNMIT Police Commissioner, in consultation with the Police Division at Headquarters, should implement a credible rotation plan which would guarantee that all rotations occur without gaps in security or at least minimize such gaps and their potential impact within the country.

23. *The UNMIT Police Commissioner accepted recommendation 3 and stated that the timely rotation of UNPol is dependent on the liaison that DPKO has with the police contributing countries. The Mission would assist by providing and forecasting information on outgoing contingents but would require DPKO's assistance to work with police contributing countries to rotate their officers in a more timely manner. Recommendation 3 remains open pending OIOS' review of the next rotation exercise to determine that it is well planned and does not result in gaps in security.*

C. Capability

Monitoring of the Supplemental Agreement

24. Section 7 of the arrangement for restoring and maintaining public security in Timor-Leste and assisting in reforming, restructuring and rebuilding the PNTL and the Ministry of Interior, which supplements the agreement between the United Nations and the Democratic Republic of Timor-Leste on the Status of UNMIT, provides that the UN Police Commissioner shall have overall command and control of the conduct of police operations in the country. Under the terms of section 5, the UN Police Commissioner shall be considered as the Interim PNTL General Commander and shall accordingly be vested with all the powers and authority which are conferred on the PNTL General Commander by the National Laws of Timor-Leste.

25. In practice, this provision has not yet been fully implemented within the PNTL. The previous Government of Timor-Leste appointed an Interim General Commander of the PNTL-Designate, who appears to control the PNTL especially in terms of field operations in the Districts. A complicated series of factors have restricted the fully effective implementation of the provisions of the Supplemental Agreement. The PNTL have started to become assertive, a situation which, while positive in terms of the overall development of the PNTL, could, if not appropriately dealt with, expose the Mission to risks.

26. Recently, the PNTL has made several arrests based on warrants from the courts without any UNPol involvement. While this is considered as a show of credibility, the Mission also runs the risk that if any extra-judicial arrests occur or any of these arrests develops into a stand-off situation, leading to loss of lives, UNMIT could be blamed due to the fact that the Police Commissioner is considered the General Commander and therefore takes responsibility for actions by the police including the PNTL. The situation has changed since the signing of the arrangement and some practical concessions have had to be made to accommodate the sensitivities of the Timorese actors in this area. The Police Commissioner has assured OIOS that all operations (including those of the PNTL) have been performed in accordance with the terms of the Supplemental Agreement and have therefore been subject to his command and control.

Recommendation 4

(4) The UNMIT Police Commissioner should closely monitor the implementation of the terms of the Supplemental Agreement between UNMIT and the Government of Timor-Leste relating to police operations and ensure compliance with the letter and spirit of the Agreement.

27. *The UNMIT Police Commissioner accepted recommendation 4 and stated that there are formal, regular forums for the Commissioner to raise and discuss issues related to security and, where applicable, to ensure compliance with the Supplemental Agreement. For example, there is a weekly meeting with the Secretary of State for Security, fortnightly Trilateral Forum attended by the government, UNMIT, and the International Security Forces. Any issues concerning the terms of the Supplemental Agreement are usually resolved at the weekly meeting with the Secretary of State for Security. Recommendation 4 remains open pending OIOS' verification of compliance with the Supplemental Agreement at the end of the consolidation phase as defined in the Agreement.*

Selection Assistance Team (SAT) testing

28. As at 16 July 2007, 466 UNPol officers, representing 47 per cent of all officers, had arrived in the Mission area without having been SAT tested in their countries of origin. These officers were tested after they arrived in the Mission area, and only six failed the tests.

29. An OIOS management audit of United Nations Civilian Police Operations performed in 2001 had recommended the use of UNSAT pre-screened UNPol for mission service. This mechanism helps to improve the quality and suitability of officers who arrive in the Mission area for deployment. Generally, where pre-deployment screening is performed and effective SAT testing is completed, the quality of UNPol services also improves. The Mission needed UNPol officers especially because of planned elections, so it was decided to waive the requirement for SAT testing prior to deployment and to perform them once the officers had arrived in the Mission area.

30. The Mission made a significant effort to test the officers who had arrived in the Mission but had not been previously tested. While the number of officers who failed the test is not significant and although the Police Contributing Countries bear any repatriation costs, it is more effective to deploy officers in the Mission who have already been tested in their countries of origin. This allows for quicker deployment to districts and regions where they are needed in a timely manner.

31. OIOS acknowledges the Mission's particular situation, which required that UNPol officers be in the Mission area before the presidential and parliamentary elections were held, which allowed certain officers who were not SAT tested to be deployed. Hence, no specific recommendation has been made in this regard.

Review of motor vehicle accident records

32. A review of vehicle accidents within the Mission for the period January to August 2007 showed that UNPol officers were involved in 131 of the 248 reported accidents. All staff, including UNPol officers, who drive vehicles in the Mission, undergo driving tests before they receive their permit to drive. The high number of UNPol officers involved in accidents may be due to the differing driving conditions in Timor-Leste as against the officers' countries of origin and possibly the sheer number of UNPol officers who drive in the Mission area on patrol duties. Nevertheless, officers' driving skills need to improve given the large number of accidents. This could be done through driving safety awareness campaigns and periodic testing of the officers' driving skills. These accidents result in higher vehicle repair costs and could also damage the Mission's reputation especially when fatal accidents involving the local population occur.

Recommendation 5

(5) The UNMIT Police Commissioner should seek to improve the driving skills of UN Police officers through the implementation of driving safety awareness campaigns and periodic testing of the officers' driving skills.

33. *The UNMIT Police Commissioner and Administration accepted recommendation 5 and stated that the UNMIT Transport Unit conducted a Road Safety Awareness Programme from, and safety messages and reminders were sent to all staff. In addition, the Transport Accident Unit conducted briefings to*

all new UNPol arrivals in the Mission area on safe driving techniques and road traffic conditions, and advised them to comply with local traffic rules. Those officers who showed weak or poor driving skills on their initial driving test were re-tested at a later date. If after three tests, they still failed to pass, they were denied UN driving permits. Those UNPol that developed or indicated carelessness or recklessness while driving were given warning letters. For the year 2008, there will be road safety campaigns which will include formal briefings, together with combined checkpoints by UNPol, UN Security Section and UN Transport Section, targeting UNMIT personnel including UNPol. Periodic broadcast messages will also be sent out to staff. Based on the action taken by the UNMIT Police Commissioner and Administration, recommendation 5 has been closed.

D. Monitoring

Compensatory time-off (CTO)

34. All UNPol officers in UNMIT (with the exception of the Police Commissioner, Deputy Police Commissioner – Operations and the Deputy Police Commissioner – Administration and Development) are granted CTO.

35. The Guidelines for UN Police officers on assignment with Peacekeeping Operations provide that the Police Commissioner, in consultation with the Chief Administrative Officer, is required to establish the hours of work and official holidays for police officers. The norm should be for a five-day work-week. If operational requirements do not allow this and police are required to work on Saturdays, Sundays and official holidays, CTO should be granted to compensate for the weekends and holidays worked. The criteria for determining eligibility to CTO is whether the nature of duty as set out by the Police Commissioner, is continuous without a break for weekends, holidays, periodic rest days or scheduled days off. UN Police officers who take weekends/holidays do not qualify for CTO even if the individuals are required to perform stand-by or duty officer functions or have to work some weekends.

36. OIOS was unable to locate a clear needs analysis that specifies the functions that require continuous work as against those that do not. The Police Commissioner noted that due to the UNPol executive policing mandate officers are continuously on duty. However, in OIOS' view, a clear needs analysis would determine if all UNPol functions require continuous work entitling officers to CTO.

Recommendation 6

(6) The UNMIT Police Commissioner should designate which UN Police officers' functions require continuous work creating entitlement to compensatory time-off.

37. *The UNMIT Police Commissioner accepted recommendation 6 and stated that due to the operational requirements of the executive mandate for policing, UNPol are not on a five-day work week cycle, hence, they are all*

entitled to compensatory time-off. The exigencies of police operations necessitate the 24 hours, 7 days a week presence of UNPol in order to maintain public security and prevent and control crimes. The units of the District Police Officers who are involved in operations maintain three eight-hour shifts daily. Based on the explanation provided by the UNMIT Police Commissioner, recommendation 6 has been closed.

V. ACKNOWLEDGEMENT

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

STATUS OF AUDIT RECOMMENDATIONS

Recom. no.	C/O¹	Actions needed to close recommendation	Implementation date²
1	O	Confirmation by the Mission of the final decision on the ban on use of rubber bullets by DPKO	Not provided
2	O	Confirmation by the Mission of all posts being filled	Not provided
3	O	Confirmation by the Mission of the successful rotation of UN Police in UNMIT	6 April 2008
4	O	OIOS' verification of compliance with the Supplemental Agreement at the end of the consolidation phase as defined in the Agreement	Not provided
5	C	Action completed	Implemented
6	C	Action completed	Implemented

¹ C = closed, O = open

² Date provided by UNMIT in response to recommendations