Chapter 14

How Best to Preserve the Records of the ICTY

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Introduction

In thinking about the archival legacy of the International Criminal Tribunal for the former Yugoslavia (ICTY), two related issues emerge: first, the preservation of ICTY documents, audiovisual materials, and other records; second, the provision of access to those records. Given the huge quantity of records created and retained by the ICTY since its establishment in 1993, addressing even one of these issues is a major undertaking. That said, the ICTY fully recognizes the importance of its archival legacy and it is already working to address both. The issues and the Tribunal’s strategies to address them are outlined here.

Preservation

The ICTY records document the Tribunal’s investigations, indictments, and court proceedings, as well as the administration of the Tribunal itself and the management of its relationships with states, other judicial authorities, international and nongovernmental organizations, and the general public. The records consist of millions of paper and digital documents, tens of thousands of hours of audiovisual recordings, and thousands of artifacts. The hard-copy records are spread over four buildings while the digital records occupy several large computer servers. In a word, the archival legacy of the ICTY is massive.

Before considering how to provide access to its records, the ICTY must first ensure that the records themselves are adequately preserved and prepared for transfer to the institutions that will be designated to receive them when the Tribunal closes.

The ICTY is undertaking a program of work to achieve this. Staff members from all organs of the Tribunal are working with the ICTY Archivist to:

- identify all records held by the Tribunal, with particular focus on those relating to judicial and other substantive work;

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Richard H. Steinberg (ed.), Assessing the Legacy of the ICTY.
appraise these records to determine which will be retained permanently, which will be retained after closure but will ultimately be destroyed, and which will be destroyed in the Tribunal before or during closure; and
• prepare records for transfer to designated institutions or for destruction, at or before the closure of the Tribunal.

It is important to ensure that the Tribunal’s records are appraised in a systematic and consistent way that takes account of the needs and interests of the wide variety of individuals and organizations that need or want access to them now, and of those who might want or need access to them in the future. It is neither necessary nor practicable to retain and preserve all Tribunal records permanently. For example, many administrative documents, although extremely important during the life of the Tribunal, will have no long-term value. However, a very large proportion of the Tribunal’s records will be retained permanently as the ICTY archives, and work is underway to preserve these records in good physical condition and to ensure that they will be accessible and usable in the future. For example, the Tribunal has begun projects to digitize the audiovisual records of its courtroom proceedings, to improve indexes and catalogues for specific collections of records, and to compile administrative histories while ensuring that essential information about the content of records and the context in which they were created is captured before key staff leave the Tribunal.

In planning and implementing this work on the future ICTY archives, the Tribunal is working closely with the UN Archives and Records Management Section (UNARMS). It is also working with the International Criminal Tribunal for Rwanda (ICTR), through the Joint (Tribunals) Archival Strategy Working Group. In addition, the two tribunals have jointly funded a senior professional post in UNARMS to facilitate cooperation between the ICTY, the ICTR, and UNARMS. Although there are some differences in practices between the ICTR and the ICTY, this coordination is beneficial to both, even in addressing the most detailed issues such as packaging and storage conditions.

Beyond those levels of cooperation and decision making, it is likely that the UN Security Council will determine that one significant function of the residual mechanism(s) of the ICTY will be the management of the ICTY archives, at least in the short and medium-term. In that role, the residual mechanism would establish, maintain, and operate archival-standard storage facilities for the Tribunal’s records and would be charged with providing adequate resources for the ongoing preservation of all the materials and for recruiting and training the professional, technical, and administrative staff that will be needed to assist in providing access to materials and supporting their use in a variety of ways.

Access

The ICTY archives will be internationally significant. A wide range of individuals, groups, and organizations, not only in the region of the former Yugoslavia, but across the world, will be interested in what was done by and in the ICTY; when, where, and