ICTR RECORDS RETENTION / DISPOSAL SCHEDULE

ICTR001 – JUDICIAL RECORDS OF THE ICTR

INTRODUCTION

The appraisal and sentencing of records is a standard practice within the United Nations and most other organisations worldwide. The UN Archives and Records Management Section [ARMS] at HQ have many standardised disposal schedules that are applied to general administrative records of the UN. These general disposal schedules should be applied to any ICTR Division of Administration records such as finance, personnel, building management etc.

An organisation specific disposal authority is a legal instrument issued in conjunction with UN HQ ARMS to give UN bodies / agencies approval to dispose of records in an accountable manner. Disposal can mean alteration, transfer of custody or transfer of ownership, as well as destruction of UN agency records. Determination of the action to be applied to any given class of records is the precursor to the final disposal schedule document. Disposal authorities specify classes of records and the minimum length of time they should be kept. They set out creation, maintenance, retention or destruction instructions, and apply to records in all formats (paper, electronic, photographic, audio-visual, etc.).

A disposal authority is produced as an outcome of appraisal. Appraisal is the process of identifying the need to keep certain classes or categories of records. Sentencing is the implementation of decisions made during appraisal. It allows organisations to apply the decisions made about classes of records to individual records. Together appraisal and sentencing help organisations to identify how long records should be retained. It should be remembered that sentencing is more than a process just related to determining destruction at the end of the active life of a record. It can also be used as an integral part of the recordkeeping task and assist in the overall management of records from point of creation.

The UN has 2 distinct groups of disposal authorities. As mentioned above, one group covers general administrative records for functions common to all or most UN agencies and usually are authorised by the UN HQ ARMS on behalf of the UN agencies. The other group is the organisation specific schedule, which covers the unique business functions of an agency. In the case of ICTR, the unique aspect of the Tribunal’s work is international criminal jurisprudence.

The disposal schedule set out on these pages is aimed at ensuring that all required ICTR’s judicial records are maintained for future reference and use. It will also assist in the proper and authorised destruction of records no longer needed.

The OIC of Court Management Section is the authorising officer for the purposes of sending any consignments to UN HQ Archives.
### ICTR001 – JUDICIAL RECORDS OF THE ICTR

<table>
<thead>
<tr>
<th>ICTR001-1:</th>
<th>All judicial records of each case brought before the Tribunal</th>
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</thead>
<tbody>
<tr>
<td>CLASS:</td>
<td>1</td>
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<tr>
<td>DESCRIPTION:</td>
<td>Judicial records directly related to the administration of justice regardless of format. Includes all constituent parts of the case files [case file, correspondence file, transcript file, record book, exhibits, audio recordings, and video recordings]</td>
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<td>ACTION:</td>
<td>Retain permanently. Transfer from Arusha Tanzania to UN HQ Archives on the authorisation of the OIC CMS, 1 year after appeal process finalised or when no longer required at the Tribunal. Any transferred hardcopy records should be made digitally available in the electronic recordkeeping system of the Tribunal.</td>
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<tr>
<td>ACCESS REGIME:</td>
<td>To be determined on the basis of protection of confidentiality and witness and victims security.</td>
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<td>RESPONSIBLE OFFICE:</td>
<td>Court Management Section – Judicial Records and Archives Unit</td>
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<tr>
<td>ORIGINATING OFFICE[S]:</td>
<td>Chambers and President’s Office, Registrar’s Office, Court Management Section, Lawyers and Detention Facility Management Section [LDFMS], General Legal Services Section [GLSS], Witness and Victim Support Section [D] and [P] WVSS [D] &amp; [P], Defence Counsel and accused, other interested parties [member states, NGO’s etc.]</td>
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<tr>
<td>SCOPE NOTES:</td>
<td>This retention schedule class is only to be used for records in the Judicial Records and Archives Unit that form part of the official case files. Audio recordings will not be kept permanently as the audio track on the video recording of judicial proceedings is in essence exactly the same as the separate audio recording. Audio CD-ROMs are to be kept for in-house use only and their subsequent use on completion of the Tribunals mandate is to be determined at a future date. The electronic recordkeeping database is to be transferred to UN ARMS custody on completion of the Tribunals mandate.</td>
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GLOSSARY OF TERMS –

APPRAISAL – Appraisal is the process of identifying the need to keep records. A disposal authority is produced as an outcome of appraisal.

SENTENCING – The process of applying the disposal or retention schedules to groups of records.

TRANSFER – This can mean the physical transfer of ownership or temporary custody.

DISPOSAL – Disposal can mean alteration, transfer of custody or transfer of ownership, as well as destruction of agency records. A disposal authority is a legal instrument issued in conjunction with UN HQ Archives to give UN agencies approval to dispose of records.

CLASS OF RECORD – There can be within a disposal or retention schedule a variety of classes of records. These classes are determined by the overall value of different groups [or classes] of records. They normally fall into different functions and activities of an organisation.

VALUE OF RECORDS – The given value of an organisation’s records is determined by a judgement based on the principles of user expectations. There may be a community expectation of the ICTR to maintain all relevant records for future reference and use. One can not only look at the core records of an organisation but one needs to also evaluate the wider group of ‘vital’ records related to the smaller ‘core’ of judicial records.

DISPOSAL OR RETENTION SCHEDULE – A schedule for disposal or retention is an instrument that allows the legal destruction, long or short-term retention, transfer or alteration of an agency’s records.

[To] ARCHIVE – The process of placing records within a system based on principles of access and preservation.

ARCHIVES – A collection of records maintained in a systematic way as determined by the owners of the records.

ARCHIVAL COLLECTION – Can refer to the whole collection of an organisation’s records or a sub-set within a larger set of archival records.

RECORDKEEPING SYSTEM – Any systematic approach to the maintenance of records. It may be paper based [indexes or registers], a purpose built electronic system such as TRIM, or a more simple database system such as MS Access or even MS Excel.