

Ensuring the Preservation of and Access to the Records of Temporary International Criminal Courts and Investigative Mechanisms

Side Event to the 57th Human Rights Council organized by the International Council on Archives- ICA, swisspeace and the Swiss Federal Department of Foreign Affairs

Date: 12 September 2024

Time: 13h-14h, CET time

Location: Room XXIV Palais des Nations, Geneva Switzerland

1 [Context](#)

During the past 30 years six temporary international criminal tribunals were established: the International Criminal Tribunals for the Former Yugoslavia and for Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, the Special Tribunal for Lebanon, and the Kosovo Specialist Chambers. All of these, except the Kosovo court, have or are closing. All have created massive bodies of records which are important to future understandings of the conflicts and to the history of the nations and of the development of international justice. Meanwhile, new institutions tasked to collect information, like the International, Impartial and Independent Mechanism for Syria and the OHCHR Accountability Project for Sri Lanka have been created in recent years

Yet the long-term future of the records of these courts and mechanisms is uncertain. Three (Yugoslavia, Sierra Leone, and Kosovo) are in various spaces in The Hague; the Rwanda court records are in Arusha, Tanzania, and the Cambodian records are in Phnom Penh. The records of the mechanisms created by the Human Rights Council are in Geneva, records linked to the United Nations (UN) in New York are located there. No long-term archival solution is in place. While the UN archives is often the automatic place for archival custody, this requires extensive facilities, resources and experience in handling the records of courts, prosecutors, and investigators which have continuing legal demands.

2 [Goals of the Side Event](#)

The preservation and access to the archives of these significant institutions is essential. This Human Rights Council side event will highlight the challenge of the long-term solution for these archives and define recommendations through the expert inputs of a former prosecutor of one of the courts, a representative of the UN archival system, a civil society representative from one of the countries for which such a court was established, an international archivist, and an international lawyer. They will discuss the following questions:

- What is the current status of the archives of the temporary courts and mechanisms? What are their characteristics?
- What are the likely future uses of the archives, both in the near and long-term future?
- What is the framework needed to preserve and make these archives available?
- What are the challenges, opportunities and recommendations to develop a long-term solution?
- What urgent measures need to be taken in the short term by the UN and the institutions involved to ensure the preservation and access of these archives?

3 Participants

Moderator: Josée Kirps, President of the International Council on Archives - ICA

1. Stephen Haufek, Chief of the Archives Unit at the UN (online participation)
2. David Crane, former prosecutor at the Special Court for Sierra Leone (online participation)
3. Trudy Peterson, former Acting Archivist of the United States and current member of the ICA's Section on Archives and Human Rights -ICA-SAHR
4. Monika Borgmann-Slim, co-founder, UMAM for Documentation and Research, Lebanon
5. Lisa Ott, Head of the Dealing with the Past (DwP) program, swisspeace