

DIGITAL RECORDS PROJECT – INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

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Summary

On 22 December 2010 the United Nations Security Council formally established the International Residual Mechanism for Criminal Tribunals for Rwanda and the former Yugoslavia. This paper explores the electronic records issues during the drawdown of the International Criminal Tribunal for Rwanda (ICTR) as it transitions to the successor Mechanism. It considers findings of a major survey and inventory; the development of disposition strategies; and the preparation of a needs assessment.

Background

On 22 December 2010 the United Nations Security Council formally established the International Residual Mechanism for Criminal Tribunals for Rwanda and the former Yugoslavia. Between October 2011 and February 2012 I undertook a consultancy with the International Criminal Tribunal for Rwanda (ICTR), which is based in Arusha, Tanzania. With the winding down of the ICTR's activities, the Tribunal needed a consulting Digital Recordkeeping Specialist to evaluate its digital recordkeeping systems and to provide guidance on archival issues encountered as they prepared to transfer digital information to the ICTR's successor organization.

There were three phases to the consultancy including:

1. Undertaking a comprehensive inventory of the ICTR's digital recordkeeping systems and unstructured digital information.
2. Assessing and appraising the digital records and recordkeeping systems in place across the Tribunal.
3. Identifying the digital recordkeeping requirements of the International Residual Criminal Mechanism (IRMCT), which will be charged with the future

maintenance, preservation, and accessibility of the archives of the ICTR and the International Criminal Tribunal for the former Yugoslavia (ICTY).¹

The Digital Records and Recordkeeping Systems Inventory (Phase 1) involved:

- Conducting an inventory of the records in digital format maintained across all offices of the tribunal
- Performing a comprehensive review of existing digital information systems tribunal-wide, including both structured and unstructured data
- Undertaking a survey of the business practices and use of information in digital format across the tribunal

The Digital Information Appraisal and Recordkeeping Systems Assessment (Phase 2) involved:

- Conducting a preliminary appraisal of the structured and unstructured data identified as a result of the inventory for the purposes of identifying duplication across systems and offices
- Assisting in the mapping of UN established business classification and retention policies to ICTR's digital information systems in order to identify those that need to be prepared for transfer, those that can be eliminated at end of mandate and those that can be eliminated immediately
- Evaluating the digital records management systems currently in place and developing concrete proposals for operational and technical enhancements of these systems
- Developing a migration strategy, in accordance with best practice principles and established UN procedures, to ensure the long term preservation of the digital archives of the ICTR

A needs assessment for the Digital Recordkeeping Strategy of the ICTR (Phase 3) involved:

- Developing a strategic plan for the transfer of the ICTR's digital information of archival value to the IRMCT
- Identifying the IRMCT's requirements for digital recordkeeping, and assessing the Tribunal's current capability for digital recordkeeping in relation to those requirements
- Providing guidance on the implementation of the secure disposal of those records which can be destroyed immediately and of those which can be eliminated at end of mandate
- Assisting in the development of a vital records program
- Providing concrete recommendations on the development and implementation of a digital recordkeeping policy

Methodology

A high-level business process survey was undertaken that emphasised systems and digital records. This included a review of available documentation as well as general discussion and structured interviews (based on an inventory template) with key stakeholders.

Most organizations operate in a hybrid environment where both paper and digital records are created. This is also true of ICTR. Consequently, although digital records were the primary focus of this consultancy, they were not considered in isolation but were evaluated as a part of all records, including those created in paper and other formats.

During Phase 2 established UN schedules were applied to the systems. Digital records and systems that needed to be prepared for transfer, those records that could be eliminated at end of mandate, and those that could be destroyed immediately, were noted.

During this period there was a lot of discussion around potential areas for improvement in the management of information in digital format. Striking a balance between what would be optimal and what would be realistic given current organizational arrangements, time and resources was crucial.

Finally for Phase 3 I compared ICTR processes with international good practice and professional standards.

Systems identified

The template forms used for the identification of systems was designed to capture as much information as possible about each of the systems in use throughout the ICTR. In particular it was important to gain understanding of the work processes and information flows in each area in order to clarify the purpose and scope of the business performed. Particular emphasis was placed on the:

- records created as part of the business process
- use and users of the records
- technological processes for generating records

A draft of the template form was circulated to key stakeholders, and it was tested in two areas with comments and other feedback noted. Specific electronic systems were identified within each office. Data on each system were entered on to the inventory form. Each database or system was assigned an inventory form number (IFN).

For the final report a table was developed listing systems by area of primary use and responsibility. It included a section on Retention Value, which indicated at high-level retention periods or the need for review. A column on Other Software listed other data sources including Excel spreadsheets identified as databases by staff. Some commentary was also provided to highlight issues or to provide context. Overall 49

systems were identified ranging from a couple of small Access databases to complex UN-wide systems.

Findings

When it comes to electronic recordkeeping ICTR faces challenges similar to many other public and private organizations around the world. These include the:

- Need to build recordkeeping functionality and to capture metadata
- Ability to prove that a digital record is authentic and trustworthy
- Need to create policies on the use of digital records for reference by staff (for example on the use of the Internet, email and shared drives)
- Management of documents on shared drives
- Management of documents on hard drives
- Management of email information and the need to capture it into an electronic recordkeeping system
- Establishment of off site backups
- Need for business continuity and disaster planning.

Other observations included:

- There was a need for greater co-ordination and prioritization of records and archives management across the Tribunal
- The respective responsibilities of the ICTR and the IRMCT in relation to the management of records and archives during the transfer from the Tribunal to the Mechanism needed to be clarified
- There was significant variation in quality of recordkeeping systems and quality of the records among offices
- Many offices required and desired assistance in dealing with all formats of records, including paper
- Staff were uncertain about what is meant by the concepts of “record of office” and “official records”; many preferring to keep everything

- Staff needed to gain a better understanding of retention schedules
- Some staff believed that various UN wide schedules should not or did not apply to the administrative records of the ICTR
- Digitization of records and the use of technology was viewed as the “solution” by many staff rather than as a part of a co-ordinated, systematic and reasoned approach to the proper management of records (on one or two occasions staff almost apologized for not having started a program to digitize their records).
- Key aspects of electronic records management needed to be better understood by staff in offices so that recordkeeping requirements are met and compliant metadata captured
- Design information, manuals and other support documentation for systems developed in-house were required.
- There was considerable duplication of many of the records held in the different parts of the Tribunal

Recommendations

While it is a little late to solve some of the issues, the final recommendations covered areas such as:

- Awareness Raising and Training
- Records Management Policies and Standards
- Information Governance
- ISO15489
- Recordkeeping Policy
- Standards, Models and Tools
- Guidelines, Procedures and a Manual
- Capacity Building
- Records and Archives Management Processes

Disposal of digital records was also considered. Additional recommendations covered the following:

- Electronic System Migration of Data
- Data Storage Systems and Infrastructure Enhancements
- Marking and Management of Sensitive Information
- Enhancing the Accessibility of Unclassified Information
- Developing a Vital Records Program
- Planning for the Implementation of a Digital Recordkeeping Strategy

Conclusion

While many of the records and archives challenges faced by ICTR are common to numerous organisations, there is a broad understanding within the Tribunal that issues need to be addressed. Indeed it should be acknowledged that many institutions facing closure leave the task of dealing with records until the last moment. This often results in loss of documentary evidence, corporate memory and ultimately the historical record. The Tribunal is commended for taking these initial steps in tackling the records while there is still time to address key issues.

ⁱ United Nations International Criminal Tribunal for Rwanda, Terms of Reference, Digital Recordkeeping Specialist, August (?), 2011