

ITP: **Tanzania 2011**

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Paper Title: **Closing the Tribunal : Recommendations to the ICTR in Order to Ensure a Smoother Transition to the Residual Mechanism**

Abstract:

*Following the decimation of over eleven percent of the Rwandan population in the genocide of 1994, the United Nations (UN) created the International Criminal Tribunal for Rwanda (ICTR) in order to prosecute those accused of organizing the mass killings. Today, seventeen years, almost two billion dollars, and thirty-six trials later, the Security Council has instructed the ICTR to wind down operations and complete its transition to a Residual Mechanism (RM) by 2014. Even if this process works seamlessly, however, the RM is likely to confront various challenges already facing the ICTR. These include questions of how and where to transfer cases from the ICTR to national jurisdictions, how to balance the goals of having open and easily accessible archives with competing goals of protecting witness confidentiality and spending money efficiently, how to preserve testimony and eventually try those suspects who have not yet been apprehended, where and under what conditions to detain defendants awaiting trial or pending appeal, and how and where to relocate acquitted persons and released prisoners.*

*Interviews with employees of the ICTR and the UN, legal scholars, and local lawyers demonstrate that the transition to the RM will be costly and raise questions of such serious import that, if mishandled, could taint the legacy of the ICTR. However, expanding the monitoring and revocation provisions to serve as tougher safeguards for cases that are transferred to national courts, the revision of host country agreements to facilitate the relocation of acquitted and released persons, revision of agreements with witnesses to provide for automatic declassification, the formulation of standards for the preservation of evidence for future trials, and a smaller, more efficient detention facility to house fugitives still at large during their trials are among the recommendations for how to address these issues. ICTR and UN employees are applying lessons learned from the past seventeen years to ensure that the RM will function more efficiently and effectively than its predecessor, instilling hope that the transition to the RM, although inevitably a bumpy ride, will be successful.*