

MICT-13-33-R86H.3
23-03-2016
(901 - 899)

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UNITED
NATIONS



Mechanism for International Criminal Tribunals

Case No.: MICT-13-33-R86H.3

Date: 23 March 2016

Original: English

BEFORE A SINGLE JUDGE

Before: Judge José Ricardo de Prada Solaesa

Registrar: Mr. John Hocking

Decision of: 23 March 2016

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PROSECUTOR

v.

JEAN DE DIEU KAMUHANDA

PUBLIC

DECISION ON AN APPLICATION PURSUANT TO RULE 86

The Office of the Prosecutor:

Mr. Serge Brammertz
Mr. Richard Karegyesa

Counsel for Jean de Dieu Kamuhanda:

Mr. Peter Robinson

Received by the Registry
Mechanism for International Criminal Tribunals

23/03/2016 14:40

A handwritten signature in black ink, appearing to be 'JP', located below the receipt stamp.

I, JOSÉ RICARDO DE PRADA SOLAESA, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;¹

BEING SEISED OF a motion filed on 18 February 2016, in which Jean de Dieu Kamuhanda requests the rescission of protective measures granted to Defence Witness ALB by the International Criminal Tribunal for Rwanda (“ICTR”) in the case of *Prosecutor v. Jean de Dieu Kamuhanda*, Case No. ICTR-99-54 (“*Kamuhanda* case”) and the reclassification as public of his witness pseudonym sheet, three exhibits admitted under seal during his testimony in the *Kamuhanda* case, and the closed session transcripts of his testimony in the *Kamuhanda* case;²

RECALLING that, on 1 March 2016, I requested the Witness Support and Protection Unit of the Mechanism’s Registry (“WISP”) to ascertain whether the witness consents to the requested rescission of the protective measures in force after being properly advised of the consequences thereof;³

NOTING the confidential “Registrar’s Submission pursuant to Order of 1 March 2016” filed by the Registrar on 15 March 2016 (“Registry’s Submission”), which indicates that the witness consents to the requested rescission of the protective measures currently in force;⁴

NOTING FURTHER the Registrar’s request to have WISP review and, if necessary, redact the relevant exhibits and closed-session transcripts prior to their disclosure or declassification so as not to identify other protected witnesses;⁵

CONSIDERING that all proceedings before the Mechanism shall be public unless exceptional reasons require keeping them confidential;⁶

CONSIDERING that the Registry’s Submission exclusive of its annex does not contain confidential information and that there are no exceptional reasons for maintaining its confidentiality;

CONSIDERING FURTHER that the confidential annex to the Registry’s Submission sets out the witness’s current location of residence and identifies a witness support assistant;⁷

¹ Order Assigning a Single Judge to Consider an Application Pursuant to Rule 86(H), 29 February 2016.

² Motion to Rescind Protective Measures for Defence Witness ALB, 18 February 2016 (“Motion”), paras. 1, 2, 8. See also *The Prosecutor v. Jean de Dieu Kamuhanda*, Case No. ICTR-99-54-T, Decision on Jean de Dieu Kamuhanda’s Motion for Protective Measures for Defence Witnesses, 22 March 2001.

³ Order for Submissions on an Application Pursuant to Rule 86, 1 March 2016, p. 1.

⁴ Registry’s Submission, para. 4, Annex.

⁵ Registry’s Submission, para. 5.

⁶ See, e.g., *Prosecutor v. Jean de Dieu Kamuhanda*, Case No. MICT-13-33R86.1, Decision on a Motion to Reclassify a Submission by the Registry, 5 February 2016, p. 1 and references cited therein.

PURSUANT TO Article 20 of the Statute of the Mechanism and Rules 55 and 86 of the Rules;

HEREBY GRANT the Motion;

ORDER that the protective measures granted to Witness ALB in the *Kamuhanda* case be rescinded;

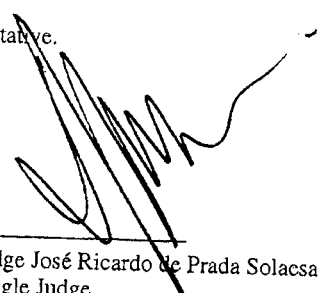
ORDER that Witness ALB's pseudonym sheet, admitted as Exhibit D48 in the *Kamuhanda* case, be reclassified as public;

INSTRUCT the WISP to review the remaining exhibits identified in the Motion and the closed-session transcripts of Witness ALB's testimony in the *Kamuhanda* case and, if necessary, file public redacted versions thereof or otherwise reclassify them as public by 8 April 2016; and

ORDER the Registry to reclassify as public the Registry's Submission exclusive of its annex and file a public redacted version of the annex to the Registry's Submission which does not identify the witness's location of residence or the name of the witness support assistant.

Done in English and French, the English version being authoritative.

Done this 23rd day of March 2016,
At Arusha,
Tanzania



Judge José Ricardo de Prada Solacsa
Single Judge

[Seal of the Mechanism]



⁷ Registry's Submission, Annex, RP. 882, 881.



**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS DEVANT LE
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Case Name/ Affaire :	Prosecutor v. Jean de Dieu Kamuhanda	Case Number/ Affaire n° :	MICT-13-33-R86H.3
Date Created/ Daté du :	23 March 2016	Date transmitted/ Transmis le :	23 March 2016
No. of Pages/ Nombre de pages :	3		
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda
		<input type="checkbox"/> B/C/S	<input type="checkbox"/> Other/Autre (specify/préciser) :
Title of Document/ Titre du document :	Decision on an Application Pursuant to Rule 86		
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ Non classifié	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue	<input type="checkbox"/> Ex Parte Prosecution excluded/ Bureau du Procureur exclu
	<input type="checkbox"/> Confidential/ Confidentiel	<input type="checkbox"/> Ex Parte R86(H) applicant excluded/ Art. 86 H) requérant exclu	<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ Amicus curiae exclu
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