



Mechanism for International Criminal Tribunals

Case No.: MICT-13-33

Date: 19 April 2016

Original: English

BEFORE A SINGLE JUDGE

Before: Judge José Ricardo de Prada Solaesa

Registrar: Mr. John Hocking

Decision of: 19 April 2016

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
19/04/2016 11:54

A handwritten signature in black ink, appearing to be 'J.D.K.' with a flourish.

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 21 March 2016, in which Jean de Dieu Kamuhanda requests the rescission of protective measures granted to Defence Witness VPG by the International Criminal Tribunal for Rwanda (“ICTR”) in the case of *The Prosecutor v. Jean de Dieu Kamuhanda*, Case No. ICTR-99-54 (“Kamuhanda case”) and the reclassification as public of the witness’s pseudonym sheet, another exhibit admitted under seal during the witness’s testimony before the ICTR in the *Kamuhanda* case, and a closed session transcript of his testimony in the *Kamuhanda* case;²

RECALLING that, on 31 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 and *ex parte* “Registrar’s Submission pursuant to Order of 31 March 2016” filed by the Registrar on 14 April 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;

¹ Order Assigning a Single Judge to Consider an Application Pursuant to Rule 86(H), 23 March 2016.

² Motion to Rescind Protective Measures for Defence Witness VPG, 21 March 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 (“Protective Measures Decision”).

³ Order for Submissions on an Application Pursuant to Rule 86, 31 March 2016, p. 1.

⁴ Registry’s Submission, para. 3, Annex.

⁵ Registry’s Submission, para. 4.

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

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

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 VPG in the *Kamuhanda* case be rescinded;

ORDER that Witness VPG's pseudonym sheet, admitted as Exhibit D70 in the *Kamuhanda* case, be reclassified as public;

INSTRUCT the WISP to review the remaining exhibit identified in the Motion and the closed session transcript of Witness VPG's testimony in the *Kamuhanda* case and, if necessary, file public redacted versions thereof or otherwise reclassify them as public as soon as practicable; 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 19th day of April 2016,
At Arusha,
Tanzania



Judge José Ricardo de Prada Solaesa
Single Judge

[Seal of the Mechanism]



⁷ Registry's Submission, Annex, RP. 1197, 1196.



**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS DEVANT LE
MÉCANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX**

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	MICT Registry/ <i>Greffe du MTPI</i>	<input checked="" type="checkbox"/> Arusha/ <i>Arusha</i>	<input type="checkbox"/> The Hague/ <i>La Haye</i>
From/ De :	<input checked="" type="checkbox"/> Chambers/ <i>Chambre</i>	<input type="checkbox"/> Defence/ <i>Défense</i>	<input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i>
Case Name/ Affaire :	Prosecutor v. Jean de Dieu Kamuhanda		Case Number/ Affaire n° : MICT-13-33
Date Created/ Daté du :	19 April 2016	Date transmitted/ Transmis le :	19 April 2016
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<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/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	<input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i>
	<input type="checkbox"/> Confidential/ <i>Confidentiel</i>	<input type="checkbox"/> Ex Parte R86(H) applicant excluded/ <i>Art. 86 H) requérant exclu</i>	<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ <i>Amicus curiae exclu</i>
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Document type/ Type de document :	<input type="checkbox"/> Motion/ <i>Requête</i>	<input type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i>
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	<input type="checkbox"/> Order/ <i>Ordonnance</i>	<input type="checkbox"/> Book of Authorities/ <i>Recueil de sources</i>	<input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>
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II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

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Rev: April 2014/Rév. : Avril 2014