



Mechanism for International Criminal Tribunals

Case No. MICT-13-33-R86H.1

Date: 12 January 2016

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Vagn Joensen
Registrar: Mr. John Hocking
Decision of: 12 January 2016

PROSECUTOR

v.

JEAN DE DIEU KAMUHANDA

PUBLIC

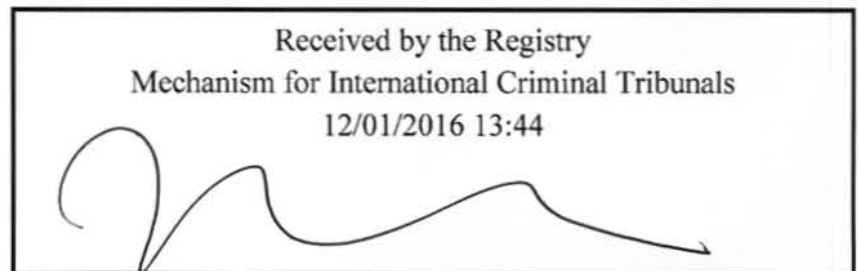
**DECISION ON AN APPLICATION PURSUANT TO RULE
86(H)**

Counsel for Jean de Dieu Kamuhanda:

Mr. Peter Robinson

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. Richard Karegyesa
Ms. Sunkarie Ballah-Conteh



I, VAGN JOENSEN, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”);

BEING SEISED OF a motion filed on 5 December 2015, in which Mr. Kamuhanda requests, pursuant to Rule 86(H) of the Rules of Procedure and Evidence of the Mechanism (“Rules”), the rescission of protective measures granted to a protected witness by the International Criminal Tribunal for Rwanda (“ICTR”) in the case of *The Prosecutor v. Jean de Dieu Kamuhanda*, Case No. ICTR-99-54A-T, and that the witness’s pseudonym sheet and closed-session transcript be reclassified as public;¹

RECALLING that, on 23 December 2015, I requested the Witness Support and Protection Unit of the 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;

NOTING the confidential “Registrar’s Submission pursuant to Order of 23 December 2015”, filed by the Registrar on 8 January 2016 (“Registry’s Submission”), which indicates that the witness consents to the requested rescission of the protective measures currently in force;²

CONSIDERING the Registry’s request to review and if necessary redact the relevant transcript so as not to identify other protected witnesses prior to the reclassification of the transcript;

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ORDER that the protective measures granted to the witness by the ICTR be rescinded;

ORDER that the witness’s pseudonym sheet, which was admitted on the trial record as Exhibit D59, be reclassified as public; and

INSTRUCT the WISP to review the closed-session transcript of the witness’s testimony in Mr. Kamuhanda’s trial on 27 January 2003 and, if necessary, file a public redacted version thereof or otherwise reclassify it as public by 25 January 2016.

¹ Motion to Rescind Protective Measures for Defence Witness NTD, 5 December 2015 (“Motion”), paras. 1, 2, 10, 11. See also Order Assigning a Single Judge to Consider an Application pursuant to Rule 86(H), 10 December 2015.

² Registry’s Submission, para. 4.

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

Done this 12th day of January 2016,
At Arusha,
Tanzania



Judge Vagn Joensen
Single Judge

[Seal of the Mechanism]





**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
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From/ De :	<input checked="" type="checkbox"/> Chambers/ Chambre	<input type="checkbox"/> Defence/ Défense	<input type="checkbox"/> Prosecution/ Bureau du Procureur
Case Name/ Affaire :	Prosecutor v Jean de dieu Kamuhanda		Case Number/ Affaire n° : MICT-13-33-R86h.1
Date Created/ Daté du :	12.01.15	Date transmitted/ Transmis le : 12.01.15	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(H)		
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
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