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Mechanism for
International
Criminal Tribunals

Mécanisme pour les
Tribunaux Pénaux
Internationaux

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CASE/AFFAIRE NO.	MICT-13-52-R86H.1 LUKIC & LUKIC	DATE	10/02/2016
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Decision on Prosecution request for a public redacted version of the decision on Prosecutin motion for reconsideration or certification of decision on application pursuant to Rule 86(H), submitted by Judge on 10 February 2016			

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**UNITED
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Mechanism for International Criminal Tribunals

Case No.: MICT-13-52-R86H.1

Date: 10 February 2016

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Bakone Justice Moloto

Registrar: Mr. John Hocking

Decision of: 10 February 2016

PROSECUTOR

v.

**MILAN LUKIĆ
SREDOJE LUKIĆ**

PUBLIC

**DECISION ON PROSECUTION REQUEST FOR A PUBLIC
REDACTED VERSION OF THE DECISION ON
PROSECUTION MOTION FOR RECONSIDERATION OR
CERTIFICATION OF DECISION ON APPLICATION
PURSUANT TO RULE 86(H)**

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. Mathias Marcussen

I, BAKONE JUSTICE MOLOTO, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”);

BEING SEISED OF a request filed confidentially and *ex parte* with a confidential and *ex parte* annex by the Office of the Prosecutor of the Mechanism (“Prosecution”) on 2 February 2016 (“Request”)¹ seeking a public redacted version of the “Decision on Prosecution Motion for Reconsideration or Certification of Decision on Application Pursuant to Rule 86(H)” issued confidentially and *ex parte* on 14 May 2014 (“Decision of 14 May 2014”);²

NOTING the Prosecution’s submissions that the Decision of 14 May 2014 is relevant to recurring applications for variation of protective measures and that no exceptional reasons exist to maintain its confidential status;³

NOTING the Prosecution’s additional submission that the interests of witness protection can be safeguarded through redactions;⁴

REITERATING that all proceedings before the Mechanism shall be public unless exceptional reasons require keeping them confidential;⁵

EMPHASISING that the protection of witnesses and victims is of utmost importance to the proper functioning of the Mechanism and that, once protective measures have been ordered, they continue to have effect unless they are rescinded, varied, or augmented in accordance with the Rules of Procedure and Evidence of the Mechanism;⁶

FINDING that issuing a public redacted version of the Decision of 14 May 2014 will satisfy the objectives of safeguarding protected witnesses and maintaining the public character of proceedings before the Mechanism;

FOR THE FOREGOING REASONS,

HEREBY GRANT the Request; and

¹ Request for a Public Redacted Version of the Decision on Prosecution Motion for Reconsideration or Certification of Decision on Application Pursuant to Rule 86(H), 14 May 2014. *See also* Order Assigning a Single Judge to Consider a Request, Case No. MICT-13-52-R86H.1, 4 February 2016.

² Request, paras. 1, 4.

³ Request, paras. 1-3.

⁴ Request, paras. 1, 2.

⁵ *See Prosecutor v. Dragoljub Kunarac et al.*, Case Nos. MICT-15-88-R86H.1/MICT-15-88-R86H.2, Decision on Prosecution Requests for a Public Redacted Version of a Decision on Applications Pursuant to Rule 86(H), 9 February 2016 (“Decision of 9 February 2016”), p. 1 and references cited therein.

⁶ *See* Decision of 9 February 2016, p. 1 and references cited therein; Article 5 of the Transitional Arrangements of the Mechanism.

ISSUE, concurrently with the present decision, a public redacted version of the Decision of
14 May 2014.

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

Done this 10th day of February 2016,
At The Hague,
The Netherlands



Judge Bakone Justice Moloto
Single Judge

[Seal of the Mechanism]



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Case Name/ Affaire :	Prosecutor v. Milan Lukić Sredoje Lukić	Case Number/ Affaire n° :	MICT-13-52-R86H.1
Date Created/ Daté du :	10 February 2016	Date transmitted/ Transmis le :	10 February 2016
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