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Mechanism for  
International  
Criminal Tribunals

Mécanisme pour les  
Tribunaux Pénaux  
Internationaux

<b>STATUS</b>	Public	<b>D/ A</b>	52
<b>CASE/AFFAIRE NO.</b>	MICT-13-50-R86H.2 HADZIHASANOVIC and KUBURA (R86H)	<b>DATE</b>	10/02/2016
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<b>PLEASE FIND ATTACHED/VEUILLEZ TROUVER CI-JOINT</b>			
Decision on Prosecution request for a public redacted version of a 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-13-50-R86H.2

Date: 10 February 2016

Original: English

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**BEFORE A SINGLE JUDGE**

**Before: Judge Bakone Justice Moloto**

**Registrar: Mr. John Hocking**

**Decision of: 10 February 2016**

**PROSECUTOR**

**v.**

**ENVER HADŽIHASANOVIĆ  
AMIR KUBURA**

***PUBLIC***

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**DECISION ON PROSECUTION REQUEST FOR A PUBLIC  
REDACTED VERSION OF A DECISION ON APPLICATION  
PURSUANT TO RULE 86(H)**

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**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”) seeking a public redacted version of a decision on an application pursuant to Rule 86(H) of the Rules of Procedure and Evidence of the Mechanism (“Rules”) issued confidentially and *ex parte* on 18 December 2013 (“Decision of 18 December 2013”);<sup>1</sup>

**NOTING** the Prosecution’s submissions that the Decision of 18 December 2013 is relevant to recurring applications for variation of protective measures and that no exceptional reasons exist to maintain its confidential status;<sup>2</sup>

**NOTING** the Prosecution’s additional submission that the interests of witness protection can be safeguarded through redactions;<sup>3</sup>

**REITERATING** that all proceedings before the Mechanism shall be public unless exceptional reasons require keeping them confidential;<sup>4</sup>

**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;<sup>5</sup>

**FINDING** that issuing a public redacted version of the Decision of 18 December 2013 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

**ISSUE**, concurrently with the present decision, a public redacted version of the Decision of 18 December 2013.

<sup>1</sup> Request, paras. 1, 4. *See also* Order Assigning a Single Judge to Consider a Request, Case No. MICT-13-50-R86H.2, 4 February 2016.

<sup>2</sup> Request, paras. 1-3.

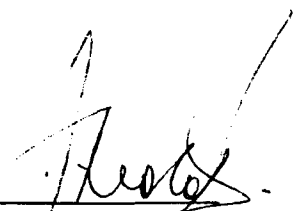
<sup>3</sup> Request, paras. 1, 2.

<sup>4</sup> *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.

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

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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