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Prosecution's response to Jean de Dieu Kamahunda's motion for redacted version of decision, submitted by Prosecution on 12 April 2016			
COMMENTS			
MICT-13-33. Counsel for the Applicant: Mr P. Robinson (FOR INFO): D60-D59 (1)			

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Mechanism for International Criminal Tribunals

Case: MICT-13-58
Nos: MICT-13-33
Date: 12 April 2016
Original: English

BEFORE A SINGLE JUDGE

Before: Prisca Matimba Nyambe

Registrar: Mr. John Hocking

THE PROSECUTOR

THE PROSECUTOR

v.

v.

SLOBODAN MILOŠEVIĆ

JEAN DE DIEU KAMUHANDA

PUBLIC WITH CONFIDENTIAL AND EX PARTE ANNEX

**PROSECUTION'S RESPONSE TO JEAN DE DIEU KAMAHUNDA'S MOTION
FOR REDACTED VERSION OF DECISION**

The Office of the Prosecutor:

Mr. Mathias Marcussen

Counsel for Jean de Dieu Kamahunda

Mr. Peter Robinson

1. The Prosecution does not oppose Kamuhanda's Motion¹ to the extent that it seeks access to the legal reasoning of the *Milošević* Decision.
2. However, rather than issuing a redacted version of the *Milošević* Decision as Kamuhanda requests,² the Motion's purpose will be served by providing Kamuhanda access to a redacted version of the paragraph cited in the *Kamuhanda* Decision.³ Providing Kamuhanda with a redacted version of the *Milošević* Decision in its entirety is unnecessary. With the exception of the two paragraphs cited in the *Kamuhanda* Decision, the contents of the *Milošević* Decision are irrelevant to the *Kamuhanda* Decision. Accordingly, in the confidential and *ex parte* Annex attached to this response,⁴ the Prosecution has included a proposed redacted version of the cited paragraphs of the *Milošević* Decision.

Word Count: 261



Mathias Marcussen
Senior Legal Officer

Dated this 12th day of April, 2016
At The Hague, The Netherlands.

¹ *Prosecutor v. Slobodan Milošević*, Case No. MICT-13-58 & *Prosecutor v. Jean de Dieu Kamuhanda*, Case No. MICT-13-33, Motion for Redacted Version of Decision, dated 2 April 2016, filed on 4 April 2016 ("Motion") (seeking access to a redacted version of the Decision on Application of the Prosecutor of the Tribunal for Variation of Protective Measures, issued in *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, on 27 January 2010 (confidential and *ex parte*) ("*Milošević* Decision")).

² Motion, paras.1,4.

³ *See Prosecutor v. Jean de Dieu Kamuhanda*, Case No. MICT-13-33, Decision on Motion to Rescind Protective Measures for Defence Witness ALM, 29 March 2016 ("*Kamuhanda* Decision"), fn.6 (citing the *Milošević* Decision, paras.18, 19).

⁴ The annex attached to this response has been filed on a confidential and *ex parte* basis because it contains a reference to a confidential and *ex parte* decision.



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