



**PRACTICE DIRECTION  
ON PROCEDURE FOR THE VARIATION OF PROTECTIVE MEASURES  
PURSUANT TO RULE 86(H) OF THE MECHANISM'S RULES OF  
PROCEDURE AND EVIDENCE FOR ACCESS TO CONFIDENTIAL ICTY,  
ICTR AND MECHANISM MATERIAL**

**(MICT/8)**

## INTRODUCTION

1. In accordance with Rule 23 of the Rules of Procedure and Evidence (“Rules”), and having consulted with the Registrar and the Prosecutor, I hereby issue this Practice Direction in order to establish a procedure for the variation of protective measures pursuant to Rule 86(H) of the Rules for access to confidential material of the ICTY, ICTR and Mechanism, including but not limited to, case filings, exhibits, transcripts, video and audio recordings (“material”), in cases within the competence of the Mechanism.

## SUBMISSION OF APPLICATIONS

2. An application submitted pursuant to Rule 86(H) of the Rules to rescind, vary or augment protective measures ordered in proceedings before the ICTY, ICTR or the Mechanism shall be addressed to the President of the Mechanism, filed with the Registry of the Mechanism, and shall include:

- (a) the fact that the application is made pursuant to Rule 86(H) on the cover page of the application;
- (b) the name of the applicant and, if applicable, the competent authority conducting the investigation or court proceeding;
- (c) the name of the ICTY, ICTR or Mechanism proceeding from which the material is sought and the case number whenever possible;
- (d) the specific details related to the material that is being sought; for example, the date of the witness testimony, the witness name or the pseudonym used to identify the witness, and the exhibit number;
- (e) the relevance of the material sought to the investigation or court proceeding of the applicant, if applicable;
- (f) the precise purpose for which the material is sought;
- (g) the specification of any time-limit or urgency;

(h) a clear indication of whether the application is public or confidential; and

(i) any other information necessary to the processing of the application, including proof of authorization by an appropriate judicial authority, if applicable.

3. Separate applications must be submitted where the requested material is sought from more than one ICTY, ICTR or Mechanism proceeding.

4. An application that fails to conform to the requirements identified in paragraphs 2 and 3 may be returned to the applicant with a request for additional information as the Mechanism deems necessary.

5. All applications must be submitted in accordance with the Practice Direction on Filings made before the Mechanism (MICT/7).

6. All applications will be provided to the parties in the proceedings in which the protective measures were ordered. If there is a reason why an application should not be provided to one or more of the parties in the proceedings, the application should be submitted on an *ex parte* basis and the applicant must provide an explanation of the good cause for such specification.

#### PROVISION OF MATERIAL

7. (a) Unless otherwise ordered by the Single Judge or the Chamber seised of the proceedings, only one copy of the material to which access has been granted may be provided to the applicant.

(b) Where an applicant is granted access to physical exhibits from ICTY, ICTR or Mechanism material, those exhibits must be returned to the Mechanism as soon as possible following completion of the purpose for which the material was sought, or at such time as requested by the Registry of the Mechanism.

## LIMITATION ON USE AND PROTECTION OF CONFIDENTIALITY

8. (a) No protected material provided pursuant to Rule 86(H) of the Rules shall be used for any other purpose than that which is approved in the decision or order of the Single Judge or the Chamber granting the application.
- (b) Any evidence and information provided by the Mechanism shall be kept confidential in accordance with the conditions set out in the decision or order by the Single Judge or the Chamber granting the application.
- (c) Where an application is made confidentially, the Mechanism and the applicant shall maintain the confidentiality of the application, its contents, its supporting documents and the decision or order of the Single Judge or the Chamber, unless otherwise ordered by the Single Judge or the Chamber.

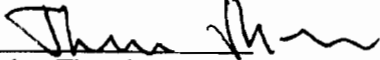
## CERTIFICATION AND AUTHENTICATION

9. Unless otherwise ordered by the Single Judge or the Chamber, the Mechanism Registry may determine the form of any certification or authentication of the material, should certification or authentication be required by the applicant.

## COSTS

10. Unless otherwise agreed or determined by the Single Judge or the Chamber, the ordinary administrative costs of executing a Decision or Order of a Single Judge or the Chamber granting an application may be borne by the Mechanism and expenses of a substantial or extraordinary nature shall be borne by the applicant.

Done this 23rd day of April 2013,  
At The Hague,  
The Netherlands.

  
Judge Theodor Meron  
President

[Seal of the Mechanism]