

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-26-137-Misc.1

Date: 26 August 2026

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Graciela Gatti Santana, President

Registrar: Mr. Abubacarr M. Tambaou

Order of: 26 August 2026

PUBLIC

**ORDER IN RELATION TO
RESTRICTED ACCESS FILINGS**

The Office of the Prosecutor:

Mr. Mathias Marcussen
Ms. Laurel Baig

I, GRACIELA GATTI SANTANA, President of the International Residual Mechanism for Criminal Tribunals (“President” and “Mechanism”, respectively);

NOTING that the International Criminal Tribunal for the former Yugoslavia (“ICTY”) had internal guidelines for filing and processing documents which, due to the particular sensitivity of the matter or information contained therein: (i) had restricted distribution; (ii) were temporarily not stored on its judicial database; and (iii) were entered in the case file and distributed only in hard copy to specifically named recipients;¹

NOTING that, pursuant to Article 19 of the Mechanism’s Practice Direction on Judicial Records,² when access to a document submitted for filing needs to be limited as much as possible due to its sensitivity, it may be filed with temporarily restricted access designation, with only very basic and neutral associated metadata, but not the document itself, entered into the Unified Judicial Database (“UJDB”);³

NOTING that both the ICTY Internal Guidelines and the Mechanism Practice Direction require the submitting entity to indicate the date or event after which the temporarily restricted access designation lapses and the filing can be uploaded to the UJDB;⁴

NOTING that, on 19 June 2024, the Registrar of the Mechanism (“Registrar” or “Registry”) consulted me on an operational issue concerning restricted access filings, inquiring whether consideration could be given to lifting their restricted access designation, and submitting that: (i) such filings are not featured in the case record; and (ii) until their restricted access designation is lifted, the judicial records of the ICTY and the Mechanism remain *de facto* incomplete;⁵

RECALLING that, on 20 June 2024, I requested the Registrar to: (i) review all judicial records that are temporarily not uploaded to the UJDB and remove the limitations in cases where the date or event, after which the restricted access designation lapses, has been reached; and (ii) provide me with a list of all remaining records with access restrictions;⁶

¹ Internal Guidelines for Sensitive Filings (Revision 2), 16 February 2015 (“ICTY Internal Guidelines”), para. 1.

² Practice Direction on Judicial Records (MICT/42/Rev.1), 21 July 2026 (“Mechanism Practice Direction”). *See also* Interim Procedures for Restricted Access Filings (“Mechanism Interim Procedures”), 28 February 2018.

³ Mechanism Practice Direction, Articles 19(1) and 19(5).

⁴ ICTY Internal Guidelines, para. 7, p. 3; Mechanism Practice Direction, Article 19(6).

⁵ Internal Memorandum from the Registrar to the President dated 19 June 2024, paras. 1, 7, 9.

⁶ Internal Memorandum from the President to the Registrar dated 20 June 2024 (“Memorandum of 20 June 2024”), para. 4. In the same memorandum, I lifted the restricted access designation in two cases pending before me. *See* Memorandum of 20 June 2024, para. 2.

NOTING that the Registry provided information⁷ on all remaining records with restricted access designation, which include 257 ICTY and Mechanism filings dated between 30 October 1995 and 19 April 2024 (“Restricted Access Filings”);⁸

CONSIDERING that Article 19(7) of the Mechanism Practice Direction provides that “[t]emporary restricted access on such filings will remain in place until the date or event indicated by the Submitting Entity or unless otherwise ordered by the President or the Chamber”;

CONSIDERING that none of the Restricted Access Filings indicate a date after which the restricted access designation lapses;

CONSIDERING that a few of the Restricted Access Filings indicate an event after which the restricted access designation lapses – which in the circumstances of the respective cases may be considered to have occurred;⁹

CONSIDERING that the remaining Restricted Access Filings indicate no event,¹⁰ or either stipulate that the restricted access designation should never lapse¹¹ or should lapse upon a judicial order;¹²

CONSIDERING the Mechanism’s responsibility for the management, including preservation and access, of the ICTY and Mechanism’s archives,¹³ and that the judicial records are an integral part thereof;

CONSIDERING that the restricted access designation is meant to be of temporary nature¹⁴ and that the removal of the designation will not affect the security classification of the filings as confidential and *ex parte*;

⁷ I note that the Registry organized under five charts in an Excel Spreadsheet (“Registry Excel Spreadsheet”) all filings that it considers as currently having or having had restricted access designation, as well as documents that are missing, the Registry does not consider a filing, and/or require further research.

⁸ I note that the Restricted Access Filings are recorded in Charts 1, 3, and 4 of the Registry Excel Spreadsheet. *See* Chart 1, items 2-215, 221, 229-235; Chart 3, items 2-23; Chart 4, items 2-14. *See also* Chart 2 of the Registry Excel Spreadsheet (wherein the Registry records filings that it no longer considers having restricted access and has subsequently uploaded to the UJDB). For purposes of the present Order, I need not address the filings listed in Chart 2 of the Registry Excel Spreadsheet.

⁹ Chart 1, items 4, 9, 38, 42.

¹⁰ Chart 1, items 2, 3, 5-8, 10-37, 39-41, 43-133, 135, 137, 139-144, 146-155, 157-215, 221, 229-235; Chart 3, items 2-23; Chart 4, items 2-14.

¹¹ Chart 1, items 136, 156.

¹² Chart 1, items 134, 138, 145.

¹³ Article 27(2) of the Statute of the Mechanism (“Statute”).

¹⁴ *See* ICTY Internal Guidelines, para. 1; Mechanism Interim Procedures, para. 7; Mechanism Practice Direction, Article 19(1).

CONSIDERING that currently there is no Chamber seised of the cases in which the Restricted Access Filings originated;

CONSIDERING that I have not identified any specific reason requiring the continuation of the Restricted Access Filings designation, preventing their upload to the UJDB;

CONSIDERING FURTHER that the upload of the Restricted Access Filings to the UJDB is sufficient for the purposes of the ICTY and Mechanism's archives and that their further distribution is not necessary;

FINDING that, in these circumstances and pursuant to Article 19(7) of the Mechanism Practice Direction, it is incumbent upon me as President to instruct that the Restricted Access Filings be uploaded to the UJDB;

NOTING, however, that the Office of the Prosecutor of the Mechanism ("Prosecution") may be able to provide assistance where the submitting entity is the ICTY Office of the Prosecutor or the Prosecution and where, in the list of Restricted Access Filings provided by the Registry: (i) it is indicated that a filing should "never" be uploaded on to the UJDB;¹⁵ or (ii) the Registry notes that portions thereof are missing or further research is required;¹⁶

CONSIDERING that, with respect to these filings, it is prudent for the Prosecution to be consulted where necessary, prior to their upload to the UJDB;

NOTING FURTHER that the Registry has also provided a list of documents that it considers to be missing, requiring further research, or not constituting a filing ("Miscellaneous Documents");¹⁷

CONSIDERING that, for these documents, it is prudent for the Registry to conduct a further review and provide an update;

PURSUANT TO Article 27 of the Statute and Article 19(7) of the Mechanism Practice Direction,

HEREBY INSTRUCT the Registry to:

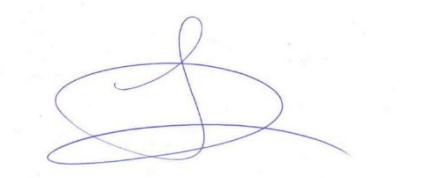
¹⁵ Registry Excel Spreadsheet, Chart 1, item 136.

¹⁶ Registry Excel Spreadsheet, Chart 1, items 158, 159, 165, 201, 202, Chart 3, items 6, 7, 8, 9, Chart 4, item 14.

¹⁷ Registry Excel Spreadsheet, Chart 5.

- (1) upload to the UJDB, without distribution, the Restricted Access Filings in consultation, where necessary, with the Prosecution in relation to filings submitted by the ICTY and IRMCT Prosecution;
- (2) upon completion, file on the record a list of all filings uploaded to the UJDB pursuant to this Order; and
- (3) conduct further review of the Miscellaneous Documents and provide me with an update on any document that may be identified as a restricted access filing meriting inclusion in the UJDB and thus requiring lifting of its designation.

Done this 26th day of August 2026,
The Hague,
The Netherlands



Judge Graciela Gatti Santana
President



TRANSMISSION SHEET FOR FILING OF DOCUMENTS / FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	IRMCT Registry/ Greffe du MIFRTP		☐ Arusha/ Arusha	☒ The Hague/ La Haye
From/ De :	☒ President/ Président	☐ Chambers/ Chambre	☐ Prosecution/ Bureau du Procureur	☐ Defence/ Défense
			☐ Registrar/ Greffier	☐ Other/ Autre
Case Name/ Affaire :	Case Number/ Affaire n° : MICT-26-137-Misc.1			
Date Created/ Daté du :	26 August 2026	Date transmitted/ Transmis le :	26 August 2026	Number of Pages/ Nombre de pages : 5
Original Language/ Langue de l'original :	☒ English/ Anglais	☐ French/ Français	☐ Kinyarwanda	☐ B/C/S
	☐ Other/ Autre (specify/ préciser):			
Title of Document/ Titre du document :	Order in Relation to Restricted Access Filings			
Classification Level/ Catégories de classification :	☒ Public/ Document public	☐ Ex Parte Defence excluded/ Défense exclue		
	☐ Confidential/ Confidentiel	☐ Ex Parte Prosecution excluded/ Bureau du Procureur exclu		
		☐ Ex Parte Rule 86 applicant excluded/ Article 86 requérant exclu		
		☐ Ex Parte Amicus Curiae excluded/ Amicus curiae exclu		
		☐ Ex Parte other exclusion/ autre(s) partie(s) exclue(s) (specify/ préciser) :		
Document type/ Type de document :	☐ Motion/ Requête ☐ Judgement/ Jugement/Arrêt ☐ Book of Authorities/ Recueil de sources ☐ Warrant/ Mandat ☐ Decision/ Décision ☐ Submission from parties/ Écritures déposées par des parties ☐ Affidavit/ Déclaration sous serment ☐ Notice of Appeal/ Acte d'appel ☒ Order/ Ordonnance ☐ Submission from non-parties/ Écritures déposées par des tiers ☐ Indictment/ Acte d'accusation			

II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

☒ Translation not required/ La traduction n'est pas requise
☐ Filing Party hereby submits only the original, and requests the Registry to translate/ La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction : (Word version of the document is attached/ La version Word du document est jointe)
☐ English/ Anglais ☐ French/ Français ☐ Kinyarwanda ☐ B/C/S ☐ Other/ Autre (specify/ préciser):
☐ Filing Party hereby submits both the original and the translated version for filing, as follows/ La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit :
Original/ Original en : ☐ English/ Anglais ☐ French/ Français ☐ Kinyarwanda ☐ B/C/S ☐ Other/ Autre (specify/ préciser):
Traduction/ Traduction en : ☐ English/ Anglais ☐ French/ Français ☐ Kinyarwanda ☐ B/C/S ☐ Other/ Autre (specify/ préciser):
☐ Filing Party will be submitting the translated version(s) in due course in the following language(s)/ La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s):
☐ English/ Anglais ☐ French/ Français ☐ Kinyarwanda ☐ B/C/S ☐ Other/ Autre (specify/ préciser):