

**THE TRIAL CHAMBER**

Case No: STL-11-01/T/TC

Before: Judge David Re, Presiding
Judge Janet Nosworthy
Judge Micheline Braidy
Judge Walid Akoum, Alternate Judge
Judge Nicola Lettieri, Alternate Judge

Registrar: Mr Daryl Mundis

Date: 22 January 2014

Original language: English

Classification: Public

**DECISION GRANTING PROSECUTION'S MOTION (F1332) FOR VIDEO-
CONFERENCE LINK TESTIMONY FOR WITNESS PRH427**

(Extract from Official Public Transcript of Hearing on 22 January 2014, page 65, line 14 to page 66, line 21)

On the 20th of January, this year, the Prosecution filed an urgent motion requesting that Witness PRH427 testify by video conference link and they also sought some protective measures in relation to the testimony of the witness. The Prosecution requested an expedited determination because the victim is scheduled to testify next week, that's the week of the 27th of January, 2014. Rule 124 of our Rules of Procedure and Evidence permits the Chamber to receive testimony by videolink in the interests of justice.

From the Defence counsel for Mr. Ayyash responded that in this specific instance they did not object to the testimony by videoconference link. Counsel for Mr. Badreddine responded but took no position on the motion. Counsel for the other two accused did not file a response.

The Trial Chamber has previously ruled that it will grant applications of this kind on a case-by-case basis. We generally consider that videolink testimony safe-guards the rights of

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the accused and allows for a witness's credibility and reliability to be assessed as if they were physically present. Any party may call a witness by videoconference link.

Based on the reasons given by the Prosecution, namely, the impossibility of this witness appearing personally in the Netherlands in the week of the 27th of January, 2014, the Trial Chamber finds that it is in the interests of justice to receive his evidence by videolink. The motion is therefore granted. We are satisfied the rights of the accused will not be prejudiced by this testimony by videolink. We therefore order the witness's testimony to be arranged in compliance with the relevant Practice Direction and request the Registrar to appoint a presiding officer to facilitate this. And we ask the Prosecutor to inform us of the day on which the arrangements can be made to receive the witness's evidence next week.

On the issue of the application of protective measures, we will decide that later.

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