

**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:** 24 January 2014

**Original language:** English

**Classification:** Public

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**DECISION GRANTING PROSECUTION'S MOTION (F1334) FOR  
PROTECTIVE MEASURES (VOICE, FACE & PSEUDONYM) FOR WITNESS  
PRH352**

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(Extract from Official Public Transcript of Hearing on 24 January 2014, page 15, line 10 to page 17, line 2)

On the 21st of January, the Prosecutor filed an urgent motion of protective measures for the Witness PRH352, who is scheduled to testify here today. As this is the first oral ruling we are making on protective measures, I will just outline the law here for this first decision.

Rule 133 of the Rules of Procedure and Evidence allows a Chamber to order appropriate measures for the privacy and protection of victims and witnesses, provided that the measures are consistent with the rights of the accused. A party requesting such measures shall seek to obtain the consent of the witness for whom the protection is sought.

The Prosecution in its written submission of the 21st of January informed us that the witness personally requested protective measures only the day before, that was on the 20th of January, which resulted from security and privacy concerns coming from the tense situation prevailing currently in Lebanon. The concerns are fully set out in the confidential annex to the Prosecution's application. The measures the Prosecution requested include, one, an order that

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the victim -- sorry, the witness' s identity remains confidential; secondly, that the Witness PRH352 will only be referred to by pseudonym in public hearings; thirdly, that the witness' s image which is broadcast publicly shall be distorted, that means it' s pixelated to the public; and fourthly, that any public documents will not disclose the witness' s identity or identifying information; and fifthly, if the media or any third parties become aware of the witness' s identity, they' re prohibited from disclosing that information.

As you just heard, the Prosecutor has supplemented the request with seeking voice distortion as well. The Prosecution further submitted that the requested protective measures will not prejudice the rights of the accused as the Defence have the -- all information relating to the witness and the Defence counsel and of course the Legal Representative for the Victims are aware of the witness' s identity. Because the application was urgent, the Trial Chamber shortened the dead-line for responses from the Defence, and counsel for the four accused indicated that they would not respond to the application, with counsel for Mr. Badreddine responding by taking no position on the request. And as you' ve heard, there has been no opposition this morning to the added request for voice distortion.

The Trial Chamber considers that the protective measures sought, that is, a pseudonym and image and voice distortion, are appropriate protective measures in the particular circumstances here, that is, the specific personal circumstances of the witness and the witness' s security concerns. We are also satisfied that allowing these measures will not prejudice the rights of the accused to a fair trial. Accordingly, the Chamber grants the application for these protective measures.

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