

**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: 27 January 2014

Original language: English

Classification: Public

DECISION GRANTING PROSECUTION'S MOTION (F1332) FOR PROTECTIVE MEASURES FOR WITNESS PRH427

(Extract from Official Public Transcript of Hearing on 27 January 2014, page 2, line 17 to page 4, line 10)

On the 20th of January, 2014, the Prosecution filed an urgent motion seeking protective measures for Witness PRH427 and requesting that the witness testify by video conference link.

They requested that the Trial Chamber expedite its decision as the witness is scheduled to testify this week. The Trial Chamber granted request for testimony via videolink in an oral ruling on the 22nd of January, 2014, that's at pages 65 to 66 of that day's transcript, but did not then decide the request for protective measures for the witness.

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 these measures shall seek to obtain the consent of the witness for whom the protection is sought.

The Prosecution submits that Witness 427 has requested protective measures arising from security and privacy concerns as a result of what it calls the unstable security situation in

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Lebanon. These concerns are fully set out in the confidential annex to the Prosecution's application. The counsel for the four accused have a copy of this confidential annex. The requested measures are to order, one, that Witness 427's identity remains confidential; two, that the witness will only be referred to by a pseudonym in public hearings and documents; three, the witness's image which is broadcast shall be distorted; four, any public documents shall not disclose any identifying information; and five, if any media or third parties become aware of the witness's identity, they are prohibited from disclosing such information to the public. The Prosecution argues that the requested protective measures will not prejudice the rights of the accused as the disclosure of the relevant information has occurred and the Defence is aware of the victim's -- sorry, of the witness's identity.

Because of the urgency of the application, the Trial Chamber shortened the dead-line for any responses from the Defence. Counsel for the accused Mr. Oneissi and Mr. Sabra informed the Trial Chamber that they would not respond to the motion and counsel for the accused Mr. Ayyash and Mr. Badreddine responded, but taking no position as to the protective measures sought by the Prosecution.

Witness 427 will testify about the death of a relative in the explosion of the 14th of February, 2005, and identifying and claiming the relative's body from the hospital. The Trial Chamber will grant the protective measures sought by the Prosecution, the five I've just outlined. The Chamber believes these are appropriate, given the specific personal circumstances and security concerns of this witness. And further, the Chamber is satisfied that the measures sought will not prejudice the rights of the accused. Accordingly, the Chamber grants the Prosecution's motion in respect of those protective measures for Witness PRH427.

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