



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

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: 13 October 2014

Original language: English

Classification: Public

THE PROSECUTOR

v.

SALIM JAMIL AYYASH
MUSTAFA AMINE BADREDDINE
HASSAN HABIB MERHI
HUSSEIN HASSAN ONEISSI
ASSAD HASSAN SABRA

DECISION ON FURTHER SUBMISSIONS REGARDING PROTECTIVE MEASURES FOR WITNESS PRH507

Office of the Prosecutor:

Mr. Norman Farrell, Mr. Graeme Cameron
& Mr. Alexander Milne

Victims' Legal Representatives:

Mr. Peter Haynes, Mr. Mohammad F. Mattar
& Ms. Nada Abdelsater-Abusamra

Counsel for Mr. Salim Jamil Ayyash:

Mr. Eugene O'Sullivan, Mr. Emile Aoun
& Mr. Thomas Hannis

Counsel for Mr. Mustafa Amine Badreddine:

Mr. Antoine Korkmaz, Mr. John Jones
& Mr. Iain Edwards

Counsel for Mr. Hassan Habib Merhi:

Mr. Mohamed Aouini, Ms. Dorothee Le Fraper
du Hellen & Mr. Jad Khalil

Counsel for Mr. Hussein Hassan Oneissi:

Mr. Vincent Courcelle-Labrousse, Mr. Hassan
Hassan & Mr. Philippe Larochelle

Counsel for Mr. Assad Hassan Sabra:

Mr. David Young, Mr. Guénaél Mettaux
& Mr. Geoffrey Roberts



BACKGROUND

1. The Prosecution has made two submissions seeking to maintain the confidentiality of the identity of Witness PRH507 and to expand the range of protective measures for the witness by having the Trial Chamber additionally order the use of pseudonym, the redaction from public documents of any identifying information, restrictions upon anyone who knows or discovers such information from disclosing it¹ and the use of voice distortion.² These submissions follow a decision of the Trial Chamber of 18 September 2014 in which it concluded that it was not satisfied that the reasons thus far advanced by the Prosecution justified all the measures requested for Witness PRH507 and considered that facial distortion during testimony would suffice to address the concerns.³
2. The Prosecution therefore provided additional details regarding the security risks faced by PRH507, especially as they relate to the public disclosure of his name.⁴ The Prosecution also argued that facial distortion alone will not address PRH507's concerns regarding his employment activities.⁵ Indeed, according to the Prosecution, public disclosure of PRH507's name and personal information would potentially enable him to be identified and located, in particular, when he travels within Lebanon and other States in the Middle East. This situation may affect not only his work in the Middle East, but also his current and future employment worldwide.⁶ These concerns are detailed in a confidential annex to the Prosecution motion of 6 October 2014.⁷ The Prosecution finally noted that, as he will not be testifying in any of the three languages of the Special Tribunal, the combination of his name, expertise, personal information, voice and preferred language of testimony can easily identify him when he travels to Lebanon.
3. Counsel for the Accused did not respond.

¹ STL-11-01/T/TC, *Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi, and Sabra*, Prosecution Further Submissions regarding Protective Measures for PRH507, 6 October 2014.

² Prosecution Addendum to Further Submissions regarding Protective Measures for PRH507, 8 October 2014.

³ Decision on Protective Measures for Witnesses PRH076, PRH155, PRH256, AND PRH507, 18 September 2014, para. 6.

⁴ Prosecution motion of 6 October 2014, paras 5-6 and Annex A, Confidential.

⁵ Prosecution motion of 8 October, para. 2.

⁶ Prosecution motion of 6 October, paras 5-6.

⁷ Prosecution motion of 6 October, Annex A, Confidential.

DISCUSSION

4. The Trial Chamber identified the principles governing the protection of witnesses in decisions of 26 February and 2 July 2014.⁸ They apply to this decision.

5. The additional information provided by the Prosecution in the motions of 6 and 8 October 2014 and in the confidential annex shows that Witness PRH507's current activities expose him and his clients to high security risk, should the combination of identifying information, including his name and the sound of his voice, be revealed to the public. In addition, disclosing the identity of Witness PRH507 may negatively impact on his current and future employment. In light of these considerations, protecting Witness PRH507's identity by ordering the additional measures requested by the Prosecution – namely, using a pseudonym in public hearings and published documents, redacting information related to Witness PRH507 from public documents, distorting his publicly broadcasted images and voice and forbidding the disclosure of any information related to his identity – is justified. They are therefore granted.

DISPOSITION

FOR THESE REASONS, the Trial Chamber:

GRANTS additional protective measures for Witness PRH507;

ORDERS that:

- the identity of Witness PRH507 must remain confidential;
- Witness PRH507 must only be described by his pseudonym in public hearings and published documents;
- information related to Witness PRH507 must be redacted from public documents which identify him as a witness at trial;
- when testifying before the Special Tribunal, the publicly broadcasted images and voice of Witness PRH507 must be distorted and unrecognizable; and

⁸ Decision on Protective Measures for Six Witnesses Giving Evidence Under Rule 155, 26 February 2014, paras 4-6; Consolidated Decision on the Prosecution Motions for Protective Measures Regarding Ten Witnesses, 2 July 2014, paras 4-6.

- no person, including members of the media and third parties who become aware of the identity of Witness PRH507 and his involvement in these proceedings, may disclose information protected by these orders.

Done in Arabic, English, and French, the English version being authoritative.

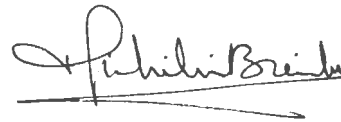
Leidschendam,
The Netherlands
13 October 2014



Judge David Re, Presiding



Judge Janet Nosworthy



Judge Micheline Braidy

