



### 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 RESCINDING PROTECTIVE MEASURE GRANTED TO ONE PARTICIPATING VICTIM

**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. Yasser  
Hassan & Mr. Philippe Larochelle

**Counsel for Mr. Assad Hassan Sabra:**

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



## INTRODUCTION

1. On 1 October 2014, the Legal Representative for Victims requested the Trial Chamber rescind the protective measure (anonymity) granted by the Pre-Trial Judge<sup>1</sup> to Victim V010 participating in the proceedings pursuant to Rule 133 and allow the Legal Representative for Victims to reclassify the identity of this Victim from confidential to public.<sup>2</sup> The Prosecution and counsel for the five Accused informed the Trial Chamber that they do not intend to respond to the motion.<sup>3</sup> The Trial Chamber is satisfied that rescinding the protective measure granted to the Victim complies with the requirements of Rule 133.

## DISCUSSION

2. Rule 133 provides, ‘The Trial Chamber may, *proprio motu* or at the request of a Party, the victim or witness concerned, the Victim’s Participation Unit or the Victims and Witnesses Unit, order appropriate measures for the privacy and protection of victims and witnesses, provided that the measures are consistent with the rights of the accused’. The same legal test accordingly applies when granting, varying or rescinding protective measures.

3. The Legal Representative for Victims submits that Victim V010 wishes to renounce the protective measures granted—as is confirmed in her written consent annexed to the motion<sup>4</sup>—as the Victim considers that the circumstances that prompted the initial request are no longer applicable. The initial request for protective measures was based on the political situation in the area where the Victim lived at the material time and past activities of politically affiliated groups in that area. According to Victim V010, ‘the threat towards her has decreased’ and she no longer feels the need to remain a confidential victim, even though the political situation in the area remains unchanged.<sup>5</sup> In her written consent annexed to the motion, the Victim is asking the Trial Chamber to change her

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<sup>1</sup> STL-11-01/PT/PTJ, *Prosecutor v. Ayyash, Badreddine, Oneissi, and Sabra*, Decision on the Fourth Motion of the Legal Representative of Victims for Protective Measures for 22 Victims Participating in the Proceedings, 15 August 2013.

<sup>2</sup> STL-11-01/T/TC, *Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi and Sabra*, STL-11-01/T/TC, Request of Legal Representative for Victims for Rescinding Protective Measures Granted to One Participating Victim, 1 October 2014.

<sup>3</sup> Email from the Prosecution to the Trial Chamber’s Legal Officer, 2 October 2014; Email from counsel for Mr. Salim Jamil Ayyash to the Trial Chamber’s Legal Officer, 2 October 2014; Email from counsel for Mr. Mustafa Amine Badreddine to the Trial Chamber’s Legal Officer, 2 October 2014; Email from counsel for Mr. Hassan Habib Merhi to the Trial Chamber’s Legal Officer, 2 October 2014; Email from counsel for Mr. Assad Hassan Sabra to the Trial Chamber’s Legal Officer, 2 October 2014; Email from counsel for Mr. Hussein Hassan Oneissi to the Trial Chamber’s Legal Officer, 2 October 2014.

<sup>4</sup> Legal Representative for Victims’ motion, Annex, Confidential.

<sup>5</sup> Legal Representative for Victims’ motion, paras 10-11.

status from confidential to public so that she can attend the court hearings in mid-October 2014 together with the Legal Representative for Victims.<sup>6</sup>

4. Having reviewed the motion in light of the requirements imposed by Rule 133, the Trial Chamber finds that the Legal Representative for Victims provides sufficient relevant information in relation to Victim V010. The Trial Chamber observes that the Victim consents to the rescission of the protective measure and is satisfied that reclassifying the information on the Victim's identity from confidential to public will not put the Victim at risk. The protective measure granted to Victim V010 is therefore rescinded.

### DISPOSITION

**FOR THESE REASONS**, the Trial Chamber:

**RESCINDS** the protective measure granted to Victim V010 by the Pre-Trial Judge; and

**ALLOWS** the Legal Representative for Victims to reclassify the identity of Victim V010 from confidential to public.

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

Leidschendam,  
The Netherlands  
13 October 2014

*David Re*

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Judge David Re, Presiding

*Janet Nosworthy*

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Judge Janet Nosworthy

*Micheline Braidy*

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Judge Micheline Braidy

<sup>6</sup> Legal Representative for Victims' motion, Annex, Confidential.

