

**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:** 15 December 2014

**Original language:** English

**Classification:** Public

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**DECISION GRANTING PROTECTIVE MEASURES FOR WITNESSES PRH234,  
PRH314 AND PRH019 (F1786)**

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(Extract from Official Public Transcript of Hearing on 15 December 2014, page 3, line 13 to page 5, line 16)

The Trial Chamber on 11th of December, 2014, ruled admissible the statements of Witnesses 234, 314 under Rule 155 of the Special Tribunal's Rules of Procedure and Evidence, which allow their statements to be accepted into evidence without requiring the witness to appear for cross-examination.

Witness 019's -- the statement of that witness is part of a Prosecution motion filed on the 21st of October which also seeks its admission pursuant to Rule 155 without cross-examination. The Prosecution intends today to tender into evidence the statements of Witnesses 234 and 314 and will then read summaries of their evidence to allow those following the proceedings to understand the nature of the evidence the Chamber is receiving.

Turning to the Rules. Rule 133 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. The Prosecution submitted that the witnesses requested these measures themselves, having security and privacy concerns as a result of the prevailing tense

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situation in Lebanon. The measures sought are fully set out in the annexes to the Prosecution's application, to which all Defence counsel have a copy.

The requested measures include an order that the witness's identity remain confidential; secondly, that they only be referred to by the pseudonyms in the public hearings and documents; thirdly, that any public documents shall not disclose any identifying information; fourth, an order that if any media or third parties become aware of the witnesses' identity, they are prohibited from disclosing the information; and fifth, if Witness 019 will be required to provide live testimony, either by videolink or in the Netherlands, his image and voice which is publicly broadcast will be distorted.

The Trial Chamber shortened the dead-line for responses from the Defence because the Prosecution was scheduled to read the summaries of the statements of Witnesses 234 and 314 this week.

Counsel for Mr. Badreddine, the accused Mr. Badreddine, submits that the justifications provided by the Prosecution for the requested protective measures are insufficient, while counsel for the other four accused did not respond to the Prosecution's application for protective measures.

Given the specific personal circumstances and security concerns of these witnesses and most specifically because of where they live, the Trial Chamber considers that the protective measures sought are appropriate in the circumstances. The Chamber is also satisfied that the measures sought will not prejudice the rights of the accused to a fair trial. The Trial Chamber highlights that the identity of the witnesses is known to the Defence; therefore, Defence counsel were and still may appropriately investigate and prepare any submissions in respect of this evidence as a result of knowing who the witnesses are.

Protective measures, where appropriately implemented, simply serve to protect the witnesses from being exposed to risks to their personal security and privacy. The Prosecutor's request complies with Rule 133 and the Chamber accordingly grants the protective measures sought for Witnesses 234, 314, and 019, as requested. And we highlight the fourth of these orders, that in relation to the media, that is, if any media or third parties become aware of the identity, they are prohibited from disclosing that information.

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