

**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

---

**DECISION GRANTING PROSECUTION'S MOTION FOR VIDEO-CONFERENCE  
LINK TESTIMONY OF 10 DECEMBER 2014 (F1784)**

---

(Extract from Official Public Transcript of Hearing on 15 December 2014, page 29, line 19 to  
page 31, line 12)

On the 10th of December, 2014, the Prosecution requested the Witness 521 be authorized to testify via video-conference link from Beirut. The Prosecution argued essentially that the witness's personal appearance in the Netherlands would cause prejudice to his professional activities and would unnecessarily impact on the Special Tribunal's limited financial resources.

The Prosecution also requested an expedited decision from the Trial Chamber as the witness is scheduled to testify in the week of the 5th of January, 2015. It is therefore necessary for the Trial Chamber to rule as soon as possible, that is, today, to provide sufficient notice to the parties, the participants, and to the witness himself.

Counsel for the accused Mr. Badreddine, Mr. Merhi, Mr. Oneissi, and Mr. Sabra did not object to the motion; however, counsel for Mr. Oneissi observed that testimony by videolink should not become "a question of comfort" for witnesses. Counsel for Mr. Ayyash

Interpretation serves to facilitate communication.  
Only the original speech is authentic.

informed the Trial Chamber in court on Friday, the 12th of December, that they took no position on the motion.

Rule 124 of the Special Tribunal's Rules of Procedure and Evidence authorizes the Trial Chamber to receive testimony by videolink in the interests of justice. The Trial Chamber has held that it will consider each application for videolink testimony on a case-by-case basis.

Videolink testimony safe-guards the rights of the accused and also allows for a witness's credibility and reliability to be assessed as if they were physically present in the courtroom. Any party may themselves call a witness by video-conference link. It's not limit to the Prosecution.

Based on the specific reasons given by the Prosecution here, the disruption caused to the witness by his personal appearance in the Netherlands, given his professional commitments as a TV journalist and as a particular political adviser and in particular his obligations to review and advise regarding television programmes before they are broadcast, the Trial Chamber finds that it is in the interests of justice to receive the evidence of Witness 521 by video-conference link. The Trial Chamber is satisfied that the rights of the accused will not be prejudiced by video-conference link testimony. The Trial Chamber here does not see this as a "question of comfort" for this witness, rather, in the Chamber's view, the grounds seeking videolink testimony have been established and it is in the interests of justice to proceed in this manner.

The Prosecution's motion is therefore granted and we therefore accordingly order that the witness's testimony be arranged in compliance with the relevant practice direction and request the Registrar to appoint a presiding officer to facilitate this.

Interpretation serves to facilitate communication.  
Only the original speech is authentic.