

**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: 10 June 2015

Original language: English

Classification: Public

DECISION GRANTING PROTECTIVE MEASURES FOR PRH045

(Extract from Official Public Transcript of Hearing on 10 June 2015, page 77, line 6 to page 79, line 10)

On the 15th of May, 2015, the Prosecution filed a motion seeking protective measures for Witness PRH045. The witness is deceased and the Prosecution intends to tender into evidence two of his statements under Rule 158 of the Special Tribunal's Rules of Procedure and Evidence. This rule governs the admission into evidence of the statements of those who are unavailable to testify, unavailable of course includes being deceased.

In a confidential annex to its motion, the Prosecution detailed the witness's security concerns as a result of the statement he provided to the Prosecution. The Prosecution also provided three statements by the witness to that effect and, additionally, a statement from a Prosecution investigator who had contacted the witness's family after his death and to whom the family voiced security concerns and renewed the request for protective measures.

The Prosecution requests the following protective measures:

1. An order that the identity of Witness 45 remains confidential and that parties and participants, including victims participating in the proceedings who attend court sessions,

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shall maintain the confidentiality of the witness's identity and information which may identify him.

2. Using a pseudonym in all public hearings and public documents.

3. That any documents that are disclosed to the public must be redacted to protect the witness's identity and information which may identify him as a witness at trial.

4. An order that the media and any third parties, in the event that they become aware of the identity of the witness, or information which may identify him, are prohibited from disclosing the identity, whereabouts, and information which may identify him or anyone related to or associated with him unless that information has been publicly disclosed by the Special Tribunal.

The counsel for the Defence of any of the five accused did not respond to the motion.

The Trial Chamber has carefully considered the Prosecution's submissions and the four statements provided in support of the request for protective measures. The Trial Chamber is satisfied that the protective measures sought are appropriate given the specific personal circumstances and security concerns voiced by this witness before his death and his family after his death. The Trial Chamber is also satisfied that the measures sought will not prejudice the rights of the accused to a fair trial as the two statements the Prosecution intends to tender into evidence under Rule 158 are on the Prosecution's exhibit list and the Defence have received all the confidential material filed in support of the Prosecution motion.

For these reasons, the Trial Chamber finds that the Prosecution's request complies with Rule 133 in relation to protective measures and accordingly grants the protective measures sought for Witness 045; that is, the four measures I've just outlined a moment ago.

In addition to the measures requested, the Prosecution also requests the Trial Chamber to maintain the confidential status of the statements annexed to annex A to its motion and submissions at annex B. Given that the annexes and the statements they contain personal details and identifying information of the witness and his family and specify the security concerns, the Trial Chamber grants the requests and orders the annexes of the statements to remain confidential, but redacted copies should be filed in due course.

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