

**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 July 2015

Original language: English

Classification: Public

Decision Granting Protective Measures for PRH012

(Extract from Official Public Transcript of Hearing on 13 July 2015, page 75, line 11 to page 77, line 25)

On the 10th of July, 2015, the Prosecution filed an urgent motion seeking protective measures for Witness PRH012, that's Witness 12, filing F2070, Prosecution urgent motion for protective measures for PRH012. The Prosecution requested an expedited schedule for responses and replies.

The Trial Chamber is satisfied that compelling reasons existed for the late application. The witness has been the subject of litigation of which the parties and participants are aware, making it impractical to file the application earlier.

The Prosecution motion includes a list of protective measures requested by the witness. These include: A hearing in camera or in closed session; redacting names and identifying information from the Special Tribunal's public records; non-disclosure to the public of any records identifying the witness as a witness; image and voice distortion or the broadcast of the audio only; no public broadcast of the testimony; the use of a pseudonym; and any other measures necessary and appropriate mitigate the risks faced by the witness.

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The Prosecution took no position on these specific requests, save making one objection to the witness's request to not make any public link between the witness's prior written statements and the witness's oral testimony. Counsel for each of the five accused stated in court today upon the Trial Chamber's request that they did not oppose the motion nor intended to respond to it.

The Trial Chamber has carefully considered the Prosecution's submissions and the two annexes supporting the application. The Trial Chamber is satisfied that protective measures are appropriate and justified in the circumstances for the following reasons. Those are: The tense security situation in Lebanon, the potential negative affect on the witness's job and livelihood, and security concerns affecting the witness if the witness's identity is publicly disclosed. The Trial Chamber therefore considers that the following protective measures are necessary and proportionate in the circumstances; that is, the motion complies with Rule 133 of the Special Tribunal's Rules of Procedure and Evidence and the Chamber grants the following -- and the Chamber is satisfied that the measures will not prejudice the rights of the accused to a fair trial.

Accordingly, the following protective measures are ordered:

1. That the identity of Witness 12 remains confidential and that the parties and participants, including victims participating in the proceedings who attend court sessions, shall maintain the confidentiality of the witness's identity and information that may identify the witness.

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

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

4. Voice and image distortion when the witness testifies live. And further:

5. Orders that the media or anyone else that becomes aware of the identity of the witness or information which may identify the witness are prohibited from disclosing the identity, whereabouts, and information which may identify the witness or anyone related to or associated with the witness unless that information has been publicly disclosed by the Special Tribunal.

As to the other measures requested by the witness, the Trial Chamber will consider these on a case-by-case basis, taking into account the public nature of the proceedings, the nature of the evidence, and any alternative means of receiving the evidence.

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On the question of confidentiality, the Prosecution also asks the Trial Chamber to keep confidential the statements in annex A to its motion and the submissions in annex B. The motion, annexes, and statements contain personal details and identifying information of the witness and the witness's family and specify the security concerns. The Trial Chamber, noting the public nature of the proceedings, orders the Prosecution to file publicly redacted versions of these documents as soon as possible.

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