

**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: 26 August 2015

Original language: English

Classification: Public

**DECISION GRANTING PROTECTIVE MEASURES FOR PRH493, PRH292,
PRH094, PRH107, PRH013, PRH090 AND PRH416**

(Extract from Official Public Transcript of Hearing on 26 August 2015, page 76, line 1 to
page 78, line 9)

It's in respect 1 of filing F2112, "Prosecution motion for protective measures for PRH493, PRH292, PRH094, PRH107, PRH013, PRH090, and PRH416," filed on the 6th of August, 2015.

In that motion the Prosecution, in statements listed in public annex A to it, detailed individual security concerns that led these witnesses to request protective measures in the proceedings.

In annex B, the Prosecution made additional submissions in relation to Witness 090, 094, 107, and 416. With respect to Witness 013, this decision is to be read in conjunction with the filing entitled: "Addendum to Prosecution motion for protective measures for PRH493, 292, 094, 107, 013, 090, and 416," dated the 10th of August, 2015, which is also filing F2112.

In those filings, the Prosecution requested the following protective measures for these seven witnesses:

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One, an order that the identities of the witnesses remain confidential and that the parties and participants, including victims participating in the proceedings who attend court sessions, shall maintain the confidentiality of the witnesses' identities and information which may identify them.

Using pseudonyms in all public hearings and public documents.

Three, that any documents that are disclosed to the public must be redacted to protect the witnesses' identities and information that may identify them as witnesses at trial.

Four, that the publicly broadcast images and voices of Witnesses 13, 90, and 416 be distorted and unrecognizable.

And five, an order that the media and any third parties, if they become aware of the identity of the witnesses or information which may identify them, are prohibited from disclosing the identity, whereabouts, and information which may identify the witnesses or anyone related to or associated with them unless that information has been publicly disclosed by the Special Tribunal for Lebanon.

Only counsel for the accused Mr. Mustafa Amine Badreddine responded, and they took no position on the requested measures. That is in filing F2131, "Badreddine Defence response to Prosecution motion for protective measures for PRH493, 292, 094, 107, 013, 090, and 416," filed 20th of August, 2015.

The Trial Chamber has carefully considered the Prosecution's submissions and the statements provided in support of the request for protective measures and is satisfied that the protective measures sought are appropriate given the specific personal circumstances and security concerns voiced by these witnesses.

The Trial Chamber is also satisfied that the measures sought will not prejudice the rights of the accused to a fair trial, as the witnesses' identities have been disclosed to the Defence and they have received all the confidential material filed in support of the Prosecution motion.

For these reasons, the Trial Chamber finds that the Prosecution's motion complies with Rule 133 of the Tribunal's Rules of Procedure and Evidence in relation to protective measures and accordingly grants the protective measures sought.

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, the submissions at

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annex B, and the addendum of the 10th of August, 2015, without having to file publicly redacted versions of annex B or the addendum.

Given that the annexes, statements, and the addendum contain personal details and identifying information of the witnesses and specify their security concerns, the Trial Chamber grants this request and orders the annexes of the statements to remain confidential.

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