

SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

**THE CONTEMPT JUDGE**

**Case No.:** STL-14-06/PT/CJ  
**Before:** Judge Nicola Lettieri, Contempt Judge  
**Registrar:** Mr Daryl Mundis, Registrar  
**Date:** 19 January 2016  
**Original language:** English  
**Classification:** Public

IN THE CASE AGAINST

*AKHBAR BEIRUT S.A.L.*  
IBRAHIM MOHAMED ALI AL AMIN

**PUBLIC REDACTED DECISION ON APPLICATION FOR PROTECTIVE  
MEASURES REGARDING WITNESSES AP02, AP06, AP07, AP09, AP13, AP14,  
PERSONS EMPLOYED BY THE TRIBUNAL AND RELATED EXHIBITS, AND  
FOR VIDEO CONFERENCE LINK TESTIMONY**

*Amicus Curiae* Prosecutor:  
Mr Kenneth Scott

Counsel for *Akhbar Beirut S.A.L.* and Mr  
Ibrahim Mohamed Ali Al Amin:  
Mr Antonios Abou Kasm



## **INTRODUCTION**

1. The *Amicus Curiae* Prosecutor (“*Amicus*”) has filed two separate but related motions requesting protective measures: one requests protective measures for five witnesses and related exhibits and furthermore applies for video-conference link testimony for one witness (“Witness Motion”).<sup>1</sup> The second motion requests protective measures for one additional witness and persons employed by the Tribunal (“Employees Motion”).<sup>2</sup> Correspondingly, the *Amicus* has filed a confidential Addendum to the Witness Motion (“Addendum”).<sup>3</sup> The Defence has filed a single response addressing the Witness Motion and its Addendum (“Witness Response”)<sup>4</sup> as well as a response to the Employees Motion (“Employees Response”).<sup>5</sup>

2. Having considered the Parties’ arguments, for the reasons provided below, I grant the Motions.

## **APPLICABLE LAW**

3. This Tribunal has affirmed the overarching need for transparency in the Tribunal’s proceedings.<sup>6</sup> All accused are entitled to a “fair and public hearing” under Articles 16 (2) and 20 (4) of the Tribunal’s Statute and Rule 136 of the Tribunal’s Rules of Procedure and Evidence (“Rules”). However, this entitlement is “subject to measures ordered [...] for the protection of victims and witnesses”.<sup>7</sup> Rule 133 provides for such measures *vis-à-vis* the public.

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<sup>1</sup> STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/PT/CJ, F0136, Application for Protective Measures Regarding Witnesses AP02, AP06, AP07, AP09, AP13 and Related Exhibits, and for Video-Conference Link Testimony, 7 December 2015. All further references to filings and decisions refer to this case number unless otherwise stated.

<sup>2</sup> F0137, Application for Protective Measures Regarding Witness AP14 and Persons Employed by the Tribunal, 7 December 2015.

<sup>3</sup> F0137, Addendum to the “Application for Protective Measures Regarding Witness AP14 and Persons Employed by the Tribunal” dated 7 December 2015, Confidential, 11 December 2015.

<sup>4</sup> F0158, Defence Response to the *Amicus Curiae* Prosecutor’s Application for Protective Measures and for Video-Conference Link Testimony, 16 December 2015.

<sup>5</sup> F0157, Defence Response to the *Amicus Curiae* Prosecutor’s Application for Protective Measures Regarding Witness AP14 and Persons Employed by the Tribunal, 16 December 2015.

<sup>6</sup> STL, *In the case against New T.V. S.A.L. and Khayat*, STL-14-05/PT/CJ, F0119, Decision on *Amicus Curiae* Prosecutor’s Application for Protective Measures Regarding Witnesses AP11, AP12 and AP13, Confidential, 7 April 2015 (“*Khayat* Protective Measures Decision”), para. 3; *see also* STL, *Prosecutor v. Ayyash et al.*, STL-11-01/PT/AC, F0171, Corrected Version of Decision on the Pre-Trial Judge’s Request Pursuant to Rule 68(G), 29 March 2012, para. 12.

<sup>7</sup> Art. 16 (2) STL St.

4. Rule 133 (A) states that I, “may, *proprio motu* or at the request of a Party [...], order appropriate measures for the privacy and protection of victims and witnesses, provided that the measures are consistent with the rights of the accused”. Any Party requesting such measures shall seek the consent of the person(s) for whom the measures are sought.<sup>8</sup> The determination of whether protective measures are both appropriate and consistent with the rights of the accused is made on a case-by-case basis.

5. Appropriate measures may include those intended to prevent disclosure to the public or the media of the identity or whereabouts of a victim or a witness, or of persons related to or associated with a victim or witness, and may include actions such as expunging names and identifying information from the Tribunal’s public records; non-disclosure to the public of any records identifying the victim or witness; applying image- or voice-altering devices; giving testimony through closed circuit television or video-conference link; and assignment of a pseudonym.<sup>9</sup> Other appropriate measures may be private or closed sessions.<sup>10</sup>

6. Once protective measures have been ordered in respect of a victim or witness in any proceedings before the Tribunal, such protective measures shall continue to have effect *mutatis mutandis* in any other proceedings before the Tribunal, unless and until they are varied in accordance with the procedure set out in Rule 133 (H) and (I).<sup>11</sup>

7. Finally, Rule 124 provides that “[a]t the request of either Party, the Pre-Trial Judge or a Chamber may, in the interests of justice, order that testimony be received via video-conference link”.

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<sup>8</sup> Rule 133 (B) STL RPE.

<sup>9</sup> Rule 133 (C) (i) (a)-(e) STL RPE.

<sup>10</sup> Rule 133 (C) (ii) STL RPE.

<sup>11</sup> Rule 133 (G) (i) STL RPE.

## DISCUSSION

### I. Positions of the Parties

#### A. Position of the Amicus

##### 1. Witness Motion

8. The *Amicus* requests protective measures to prevent the disclosure of certain facts on which witness AP02 is expected to testify during the trial in this matter. In addition, the *Amicus* seeks to preserve the confidentiality vis-à-vis the public of the identities of witnesses AP06, AP07, AP09 and AP13 and related information contained in certain exhibits.<sup>12</sup>

9. The *Amicus* recalls that in the *New T.V. S.A.L./Khayat* case<sup>13</sup>, I previously issued protective measures on the basis, *inter alia*, of the continuing tense political, territorial and security situation prevailing in Lebanon, the nature of the case and the repercussions of the disclosure of alleged confidential witness information on many individuals.<sup>14</sup> The *Amicus* notes that these proceedings similarly involve the alleged public disclosure of purported confidential witness information and interference with the administration of justice. The *Amicus* therefore asserts that a failure to grant protective measures would replicate and compound the effects of the alleged acts and conduct of the Accused, whereby much of the impugned information disclosed previously by the media would again be disclosed during the trial.<sup>15</sup>

10. With respect to witness AP02, the *Amicus* recalls that he received similar protective measures in the *New T.V. S.A.L./Khayat* case in order to protect the confidential nature of the evidence he gave, which he expects to be repeated in these proceedings. Witness AP02 is expected to testify about the publication of the January 2013 *Al Akhbar* articles that have prompted the institution of these contempt proceedings (“*Al Akhbar* articles”), their availability on different websites, the repercussions of the publications and [REDACTED].<sup>16</sup>

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<sup>12</sup> Witness Motion, para. 3.

<sup>13</sup> STL, *In the case against New T.V. S.A.L./Khayat*, STL-14-05/PT/CJ (“*New T.V. S.A.L./Khayat* case”).

<sup>14</sup> Witness Motion, para. 4.

<sup>15</sup> *Ibid.*

<sup>16</sup> F0136, Annex A, Confidential, 7 December 2015 (“Annex A of Witness Motion”), para. 1.

11. Witnesses AP06, AP07, AP09 and AP13 are [REDACTED].<sup>17</sup> Their expected evidence will include the [REDACTED] and therefore is anticipated to be highly identifying.<sup>18</sup> Two witnesses, [REDACTED], are already beneficiaries of protective measures, which were granted [REDACTED].<sup>19</sup> All four of these witnesses have expressed that they will only testify in this trial if their identities are protected.<sup>20</sup>

12. The *Amicus* also notes that a number of his proposed exhibits contain identifying information [REDACTED].<sup>21</sup> He avers that exposing this type of identifying information to the public would create [REDACTED].<sup>22</sup> Therefore, the *Amicus* requests that all identifying information [REDACTED] be redacted from the exhibits and public record and that any discussion of such information be held in private session.<sup>23</sup> In particular, the *Amicus* notes that exhibit 101 contains information<sup>24</sup> [REDACTED], and should therefore remain confidential.<sup>25</sup>

13. Finally, the *Amicus* requests that witness AP13 be permitted to testify via video-conference link.<sup>26</sup> The *Amicus* relates that the witness only agrees to testify under such conditions as [REDACTED].<sup>27</sup> According to the *Amicus*, witness AP13 alleges to have [REDACTED].<sup>28</sup>

## **2. Employees Motion**

14. The *Amicus* applies for protective measures to prevent the disclosure of the identity of Witness AP14 and of any identifying or otherwise private information of Tribunal employees.<sup>29</sup>

15. The *Amicus* argues that information identifying actual or former Tribunal employees who are not to testify in open session and are not otherwise public figures whose involvement in these matters are publicly known, is not relevant and should be held confidential in order to ensure the

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<sup>17</sup> Annex A of Witness Motion, para. 10.

<sup>18</sup> *Ibid.*

<sup>19</sup> Annex A of Witness Motion, para. 18.

<sup>20</sup> *Id.* at paras 11-14.

<sup>21</sup> *Id.* at para. 21.

<sup>22</sup> *Id.* at para. 22.

<sup>23</sup> *Id.* at para. 23.

<sup>24</sup> AP1406\_186\_ENG\_02890-02896, AP1406\_186\_ARA\_T\_02897-02906 (“exhibit 101”).

<sup>25</sup> *Id.* at para. 9.

<sup>26</sup> Witness Motion, para. 11.

<sup>27</sup> Annex A of Witness Motion, para. 20.

<sup>28</sup> *Id.* at para. 14.

<sup>29</sup> *Id.* at para. 3.

privacy of those individuals and to protect them from possible harassment, threats or risks to their security.<sup>30</sup>

16. The *Amicus* sets out the reasons for which he seeks protective measures for witness AP14 in a confidential annex to his Motion and recalls that in the *New T.V. S.A.L./Khayat* case, I ordered the continued confidentiality of the names and identifying information of all Tribunal employees, given the information's irrelevance to the proceedings and the employees' right to privacy.<sup>31</sup>

17. The *Amicus* indeed details that the witness is [REDACTED] who is expected to testify in relation to [REDACTED].<sup>32</sup> The *Amicus* avers that this is the only witness who can give [REDACTED] but that she has serious concerns that the disclosure of her identity and role within the Tribunal would bring attention and possible harassment to herself and her family.<sup>33</sup> The *Amicus* further asserts that more minimal protective measures would not serve to adequately protect this witness as [REDACTED].<sup>34</sup> As a result, the *Amicus* requests that witness AP14 be permitted to give testimony in closed session.

## ***B. Position of the Defence***

### **1. Witness Motion**

18. The Defence has filed a consolidated response to the *Amicus*'s motions to grant protective measures to witnesses AP02, AP06, AP07, AP09, and AP13, and its corresponding Addendum.

19. The Defence recalls that it previously opposed the amendment of the *Amicus*'s witness and exhibit lists and that witness AP13 and exhibit 101 were not part of the original lists filed in accordance with Rules 91 (G) (ii) and (iii) of the Rules.<sup>35</sup>

20. While the Defence does not oppose protective measures *per se*, it considers that such measures should be exceptional in order to respect the overriding principle of transparency and

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<sup>30</sup> Employee Motion, para. 5.

<sup>31</sup> *Ibid.*

<sup>32</sup> Annex A of Employee Motion, para. 1.

<sup>33</sup> *Id.* at para. 3.

<sup>34</sup> *Id.* at para. 4.

<sup>35</sup> Witness Response, para. 3.

openness of proceedings.<sup>36</sup> The Defence avers that such a principle is all the more important in these particular proceedings, given that the Accused have chosen not to be present and that both the Lebanese media and population in general will have a special interest in following this trial.<sup>37</sup>

21. The Defence asserts that the rights of the Accused must be weighed favourably when balanced against the right of witnesses to protection.<sup>38</sup> The Defence maintains that protective measures must minimally infringe the public character of the proceedings. Therefore the Defence asserts that other measures aimed at obscuring the identity of a witness, such as voice distortion and the use of a pseudonym, should be granted instead of closed sessions, the most extreme measure afforded to protect witnesses.<sup>39</sup> The Defence maintains that the Accused's decision not to be present at trial must not prevent them from being able to observe the trial via public broadcasts<sup>40</sup> and therefore objects to those protective measures which specifically permit entire testimony to be given in closed session.<sup>41</sup>

22. The Defence calls into question the necessity of granting protective measures for exhibits which have already been part of the public domain.<sup>42</sup> The Defence challenges the *Amicus*'s characterization that publicizing the documents for which the *Amicus* seeks confidentiality in the course of the trial would only amplify the effects of the conduct of the Accused.<sup>43</sup> The Defence notes that the conduct of the Accused and any impact created by the publication of the *Al Akhbar* articles constitute the principle areas of contention in this trial and therefore such evidence should be presented in a public and open manner.<sup>44</sup>

23. The Defence does not make any submissions in regards to the *Amicus*'s application to permit witness AP13 to testify via video-conference link and notes only its previous objection to allowing the addition of this witness to the *Amicus*'s amended list.<sup>45</sup>

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<sup>36</sup> Witness Response, para. 4.

<sup>37</sup> *Id.* at para. 6.

<sup>38</sup> *Id.* at paras 7-8.

<sup>39</sup> *Id.* at para. 9.

<sup>40</sup> *Id.* at para. 11.

<sup>41</sup> *Id.* at paras 9,11.

<sup>42</sup> *Id.* at para. 12.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Id.* at para. 12.

<sup>45</sup> *Id.* at paras 3,13.

## 2. Employees Motion

24. The Defence opposes the motion to grant protective measures to witness AP14 and other Tribunal personnel as well as the attached Addendum, on the basis that the named witness was not part of the *Amicus*'s original witness list and the Defence had previously opposed any amendment of such list.<sup>46</sup>

25. Similar to the position taken in respect of the Witness Motion, the Defence does not oppose protective measures *per se*, but considers that such measures should be exceptional in order to respect the overriding principle of transparency and openness of proceedings.<sup>47</sup> The Defence reiterates that such a principle is all the more important in these particular proceedings, given that the Accused have chosen not to be present and that both the Lebanese media and population in general will have a special interest in following the trial.<sup>48</sup>

26. The Defence asserts that the rights of the Accused must be weighed favourably when balanced against the right of witnesses to protection.<sup>49</sup> The Defence is therefore opposed to measures which would allow for testimony in closed session.<sup>50</sup> It maintains that other protective measures aimed at obscuring the identity of a witness, such as voice distortion and the use of a pseudonym, should be granted instead. In the circumstances, the Defence maintains that the Motion must be rejected at least in part. If protective measures are deemed necessary, testimony held entirely in closed session would unduly prejudice the rights of the Accused.<sup>51</sup>

## II. Discussion

### A. *Protective Measures for Witnesses (“Witness Motion”)*

27. Firstly, I recall that Rule 133 (G) states that, once ordered, protective measures continue to have effect *mutatis mutandis* for subsequent proceedings unless varied in accordance with the procedure set out in Rule 133 (H). I note that [REDACTED].<sup>52</sup> They were also [REDACTED].<sup>53</sup>

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<sup>46</sup> Employee Response, para. 2.

<sup>47</sup> *Id.* at para. 3.

<sup>48</sup> *Id.* at para. 5.

<sup>49</sup> *Id.* at para. 6.

<sup>50</sup> *Id.* at para. 7.

<sup>51</sup> *Id.* at para. 8.

<sup>52</sup> Khayat Protective Measures Decision, pp. 5-6. .

<sup>53</sup> *Ibid.*



28. Secondly, the Defence has based their objection to protective measures for witnesses AP13 and AP14 on the grounds that they were not part of the original witness list filed by the *Amicus*. However, since the Defence filed its Response to the Witness Motion, I have granted the *Amicus*'s motions to amend its exhibit and witness lists, thereby permitting the addition of witnesses AP13 and AP14 as well as exhibit 101.<sup>54</sup> I therefore find that the recent addition of these witnesses to the witness list irrelevant to my determination on whether to grant protective measures.

29. Alternatively, the Defence has based its objections to this Motion on generalized conclusions about how particular protective measures will impact the Accused's right to a fair and public hearing. The Defence however, has not made submissions which directly address whether the proposed protective measures are justified or overly broad in the given circumstances or if more minimal measures would nevertheless sufficiently address the specific concerns raised by the witnesses seeking protection and the Victim and Witnesses Unit ("VWU").

30. I am persuaded that the protective measures requested by the *Amicus*, including closed sessions, are appropriate and consistent with the fair trial rights of the Accused. I make this determination mindful that closed session testimony is generally warranted only when there is no alternative effective measure that permits greater transparency.<sup>55</sup> I find that there is no alternative measure in this case that would effectively protect the identities of witnesses AP06, AP07, AP09 and AP13 against public disclosure as only [REDACTED]<sup>56</sup> and [REDACTED]. From their statements, I can conclude that a substantial portion of their testimony in court will include information that is highly likely to reveal their respective identities. The VWU similarly supports that these witnesses testify in closed session in order to mitigate the risk to their physical and psychological well-being, dignity and privacy<sup>57</sup> and I accept that the VWU is well-positioned to offer such a recommendation. In respect of witness AP02, the *Amicus* anticipates that he will testify about [REDACTED].<sup>58</sup> The *Amicus* is therefore concerned that in giving such testimony, witness AP02 might reveal [REDACTED]. On this basis, witness AP02 was already permitted to

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<sup>54</sup> F0164, Public Redacted Version of Decision on Motions to Amend the *Amicus Curiae* Prosecutor's Exhibit and Witness Lists, 18 December 2015.

<sup>55</sup> Khayat Protective Measures Decision, para. 12.

<sup>56</sup> F0083, Prosecution Pre-trial Brief Pursuant to Rule 91 (G) (i), 5 March 2015, paras 3, 13.

<sup>57</sup> Annex A of the Addendum, para. 9.

<sup>58</sup> Annex A of Witness Motion, paras 2, 4.

testify in private session in the *New T.V. S.A.L./Khayat* trial at points where he discussed [REDACTED] or any documentation containing similar information.<sup>59</sup>

31. I am satisfied that ordering witness AP02 to give all testimony relating to [REDACTED] in private session<sup>60</sup> is necessary, appropriate and consistent with the fair trial rights of the Accused. I expect that in giving this testimony, witness AP02 may provide [REDACTED]. Consistency requires that any testimony [REDACTED] must be given in private session.

32. Further, I acknowledge that [REDACTED]. However, I agree with the *Amicus* that public exposure of this material during the proceedings, given the prevailing security situation in Lebanon and the particular nature of this case, [REDACTED].<sup>61</sup> Therefore, I find it necessary to order the redaction of this information from any exhibits presented during the trial. Any discussion of information identifying [REDACTED] will be held in closed session.

33. I note that the Defence objects to the granting of testimony in closed session, in particular because the Accused have demonstrated an unwillingness to personally appear before the Tribunal for their trial. However, a decision by an accused not to exercise his or her right to be present in the courtroom has no bearing on a decision to grant protective measures as long as the accused's right to a fair hearing is guaranteed in the circumstances of the case. In the present case, the identities and statements of the witnesses who will receive protective measures have already been disclosed to the Defence and none of the information at issue here will be withheld from the Defence in court. Therefore, the protective measures will have no impact on the ability of the Defence to prepare for and conduct any cross-examination or otherwise challenge the *Amicus's* case during trial. In these circumstances, a decision by the Accused to not be present at trial cannot infringe upon the rights of witnesses to be protected.

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<sup>59</sup> STL, *In the case against New T.V. S.A.L. and Khayat*, STL-14-05/T/CJ, F0122, Decision on Application for Protective Measures Regarding Witness AP02, Confidential, 29 April 2015, Disposition.

<sup>60</sup> Testimony given in private session can only be viewed by persons in the public gallery. These persons cannot hear the testimony, nor can they view the content of documents shown during such testimony. The transcripts of private session testimony are confidential.

<sup>61</sup> *In the case of New T.V. S.A.L. and Khayat*, STL-14-05/PT/CJ, F0124, Public Redacted Decision on *Amicus Curiae* Prosecutor's Application for Protective Measures in Relation to Prosecution Exhibits, 15 April 2015, para. 19.

### ***B. Testimony via video-conference link***

34. This Tribunal has found that nothing in Rule 124 suggests that testimony via video-conference link is “exceptional”.<sup>62</sup> In evaluating whether the interests of justice permit testimony via video-conference link, the following criteria may be considered: the nature of the evidence; the reported views and personal circumstances of the witnesses; the current situation in Lebanon; the concerns and objections, if any, of the Defence; the expeditiousness of the proceedings; and, the Tribunal’s logistical and financial resources.<sup>63</sup>

35. In view of these criteria, which I accept and apply in my consideration of the *Amicus*’s Motion in the reasons below, I am satisfied that it is in the interests of justice to permit witness AP13 to testify via video-conference link.

36. As regards the reported views and personal circumstances of the witness, the *Amicus* has relayed and I accept that AP13 has agreed to testify only by video-conference link from [REDACTED]. The witness believes that his departure from his work and neighbourhood for the time of his testimony, if it were to take place in the Netherlands, would be noted by his entourage and lead to his identification as one of the witnesses in this case.<sup>64</sup> I find that permitting him to testify from [REDACTED] might mitigate this to a certain degree.

37. Permitting witness AP13 to testify via video-conference link from [REDACTED] will also, quite clearly, contribute to the expeditiousness of the proceedings and will be more resource-efficient. I am therefore granting this measure in the interests of justice.

38. The Defence has not provided their views on the application for video-link testimony. However, I note that the Defence will have the opportunity to cross-examine the witness in the

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<sup>62</sup> STL, *In the case against New T.V. S.A.L. and Khayat*, STL-14-05/T/CJ, F0149, Decision on Defence Motion for Admission of Written Statements and for Video-Link Testimony, 8 May 2015 (“Decision on Video-Link Testimony”), para. 29; *see also* STL, *In the case against New T.V. S.A.L. and Khayat*, STL-14-05/T/CJ, F0148 Public Redacted Decision on Defence Application for Protective Measures Regarding Witness DT13, 7 May 2015, para. 20 ; *see also* STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/TC, F1425, General Decision on Video-Conference Link Testimony and Reasons for Decision on Video-Conference Link Testimony of Witness PRH128, 25 February 2014, para. 26.

<sup>63</sup> STL, *In the case against New T.V. S.A.L. and Khayat*, STL-14-05/T/CJ, F0148 Public Redacted Decision on Defence Application for Protective Measures Regarding Witness DT13, 7 May 2015, para. 20 ; *see also* STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/TC, F1425, General Decision on Video-Conference Link Testimony and Reasons for Decision on Video-Conference Link Testimony of Witness PRH128, 25 February 2014, para. 27.

<sup>64</sup> Witness Motion, para. 20.

same conditions as the examination-in-chief and therefore the Accused will suffer no prejudice from this modality of testimony.<sup>65</sup>

***C. Protective Measures for persons employed by the Tribunal and AP14 (“Employees Motion”)***

39. In determining whether to grant protective measures for persons employed by the Tribunal, I recall in this regard the practice of the Tribunal’s Trial Chamber, for instance the redaction of the names of employees of the Tribunal, such as courtroom interpreters, from the transcripts of the *Ayyash et al* trial,<sup>66</sup> as well as the Tribunal’s Practice Direction forbidding the disclosure of the names of employees of the Tribunal in documents filed before it.<sup>67</sup>

40. As regards the reported views and personal circumstances of the witness, the *Amicus* has relayed and I accept that if AP14’s identity is not fully protected and her testimony not granted in closed session, her personal life and professional responsibilities could both be compromised. I note that this witness has been [REDACTED] would render her easily identifiable if her testimony was not provided in closed session.<sup>68</sup> I further accept that in light of [REDACTED], her identification as an employee of this Tribunal could place the personal safety of her and her family at risk and/or subject her or her family to harassment.

41. The VWU similarly supports that this witness testify in closed session in order to mitigate the risk to the physical and psychological well-being, dignity and privacy<sup>69</sup> of her and her family and I accept that the VWU is well-positioned to offer such a recommendation.

42. Therefore, I grant the requested measures to protect the identity and personal information of witness AP14 and other Tribunal employees.

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<sup>65</sup> See Decision on Video-Link Testimony, para. 30.

<sup>66</sup> STL, *In the case against New T.V. S.A.L. and Khayat*, STL-14-05/PT/CJ, F0124 Redacted Decision on *Amicus Curiae* Prosecutor’s Application for Protective Measures in Relation to Prosecution Exhibits, 15 April 2015, para. 15.

<sup>67</sup> Art. 4(3) STL Practice Direction on Filing of Documents Before the Special Tribunal for Lebanon.

<sup>68</sup> Annex A of Employee Motion, para. 4.

<sup>69</sup> Annex A of the Addendum, paras 8-9.

### **III. Confidentiality**

43. In order to safeguard the identities of witnesses AP06, AP07, AP09, AP13 and AP14 against public disclosure, I am issuing this Decision confidentially. A public redacted version will also be issued.

## **DISPOSITION**

### **FOR THESE REASONS;**

**PURSUANT TO** Articles 16 and 20 of the Tribunal's Statute and Rules 60 *bis*, 124 and 133 of the Rules;

### **I**

**GRANT** the Applications;

**AUTHORIZE** witness AP13 to testify before the Tribunal via video-conference link from [REDACTED]; and

**ORDER** the following:

- Witnesses AP06, AP07, AP09, AP13 and AP14 must be described only by their respective pseudonyms in public hearings and all public or published documents;
- Identifying information related to witnesses AP06, AP07, AP09, AP13 and AP14 shall be redacted from all public or published documents;
- Witnesses AP06, AP07, AP09, AP13 and AP14 shall give their testimony in closed session;
- Any person, including members of the public, media and third parties, who becomes aware of the identities of witnesses AP06, AP07, AP09, AP13 and AP14 and their involvement in these proceedings, shall not disclose such information;
- All information relating to witness AP02 [REDACTED] cited in paragraphs 1-4 of Annex A to the Witness Motion will be given in private session;

- All documents and material shown in court containing information in relation to AP02 [REDACTED] will not be broadcast to the public, unless otherwise ordered;
- All future reference to the information provided by AP02 [REDACTED] will not mention the [REDACTED];
- Exhibit 101 (AP1406\_186\_ENG\_02890-02896, AP1406\_186\_ARA\_T\_02897-02906) shall be discussed and referred to confidentially;
- Any identifying information of [REDACTED] shall be redacted from any exhibits used in open session as well as from public records, and any discussions of such identifying information will be held in closed session;
- Any identifying information, including names, email addresses and telephone numbers, of actual or former Tribunal employees shall be redacted from any exhibits used in open session as well as from public records, except the names and professional functions of those individuals who the *Amicus* calls to testify without protective measures.

Done in Arabic, English and French, the English version being authoritative.

Dated 19 January 2016

Leidschendam, the Netherlands



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Judge Nicola Lettieri  
Contempt Judge

