

**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:** 22 January 2016

**Original language:** English

**Classification:** Public

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**DECISION GRANTING PROTECTIVE MEASURES FOR WITNESSES PRH707  
AND PRH705**

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(Extract from Official Public Transcript of Hearing on 22 January 2016, page 67, line 23 to page 69, line 22)

This is a decision on the Prosecution motion for protective measures for PRH707 and PRH705, filing F2394 of the 30th of December, 2015.

In the Prosecution's confidential filing of the 30th of December, 2015, it sought protective measures for Witnesses PRH705 and 707. At paragraph 6 of its submissions, the Prosecution outlined the basis of its request; namely, the concerns of the two witnesses were heightened due to the nature of their evidence and the possibility that they may be subject to interference.

In support of its motion, the Prosecution also provided two witness statements by Prosecution investigators detailing the witnesses' security concerns from appearing to testify before the Special Tribunal.

On the 14th of January, 2016, in filing 2402, counsel for the accused Mr. Salim Ayyash confidentially responded to the motion. They argued that neither the Prosecution's

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submissions nor the statements by the Prosecution investigators provided “persuasive evidence” meriting the granting of the request.

No other counsel for the other accused responded to the motion.

The Trial Chamber has carefully reviewed the parties' submissions and the two witness statements. The Trial Chamber is aware of the circumstances leading to Witness 705 being called as a witness and considers that the nature of his evidence and that of Witness 707 justifies the requested measures. The Trial Chamber is therefore satisfied that the background to calling the evidence and ensuring the security implications necessitate using protective measures for the privacy and protection of the two witnesses, and these will still be consistent with the rights of the accused to a fair trial.

The Trial Chamber therefore orders that Witnesses 705 and 707 receive the following protective measures pursuant to Rule 133 of the Special Tribunal's Rules of Procedure and Evidence:

(1) Their identities shall remain confidential and parties and participants shall maintain the confidentiality of their identities and information which may identify them.

(2) The witnesses shall only be referred to by their pseudonyms in all public hearings and public documents.

(3) Any documents that are disclosed to the public shall be redacted to protect the witnesses' identities and information which may identify them as witnesses.

(4) The publicly broadcast images and voices of the witnesses shall be distorted and unrecognizable.

(5) The media and any third parties, if they become aware of the identity of either witness or information which may identify them, are prohibited from disclosing that information unless it has been publicly disclosed by the Tribunal.

Reiterating the public nature of these proceedings, the Trial Chamber orders the parties to re-file redacted public versions of their submissions. But due to the nature of the testimony, this should be done after both witnesses have testified.

The two witness statements disclosed in support of the motion should remain confidential.

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