

**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: 8 November 2016

Original language: English

Classification: Public

DECISION GRANTING PROTECTIVE MEASURES FOR WITNESS PRH258

(Extract from Official Public Transcript of Hearing on 8 November 2016, page 16, line 19 to page 18, line 13)

The Prosecution on the 7th of November, 2016, in filing F2820, “Prosecution Motion for Protective Measures for PRH258,” sought protective measures for the witness as a result of the Trial Chamber's decision of the 4th of November, 2016, in which it declared the witness's statement admissible under Rule 155 of the Special Tribunal's Rules of Procedure and Evidence.

The decision was F2816, “Decision Admitting Documents and Statements Relating to Salim Jamil Ayyash's BMW and Mobile Numbers - Witnesses PRH385, PRH304, PRH258, PRH112, PRH034, and PRH550.”

The Prosecution has sought protective measures under Rule 133 on the basis that:

“Publicly disclosing” the witness's “identity would raise security concerns for him and his family due to where they reside. Further, public disclosure may have a negative impact on his job and livelihood. PRH258 lives and works in Lebanon. His particular personal circumstances warranting protective measures are described in the confidential statement” of Prosecution Investigator Mr. Erich Karnberger, dated the 13th of October, 2015.

Interpretation serves to facilitate communication.

Only the original speech is authentic.

The Chamber has read the statement of Mr. Karnberger and the reasons expressed for the witness seeking protective measures. No Defence counsel have objected to the Chamber granting the protective measures as sought by the Prosecutor on behalf of Witness PRH258.

The Trial Chamber therefore grants the following protective measures for the witness:

One, the identity of PRH258 shall remain confidential and parties and participants (including victims participating in the proceedings who attend court sessions) shall maintain the confidentiality of the witness's identity and information which may identify him.

Two, continue to refer to the witness only by his pseudonym in all public hearings and public documents.

Three, any documents that are disclosed to the public shall be redacted to protect the witness's identity and information which may identify the witness as a witness at trial.

And four, the media and any third parties, in the event that they become aware of the witness's identity or information which may identify him, are prohibited from disclosing the identity, whereabouts, and information which may identify the witness unless that information has been publicly disclosed by the Tribunal.

The Chamber reminds those following the proceedings in the public that breaching these orders comes under Rule 60 bis of the Tribunal's Rules of Procedure and Evidence under the heading "Contempt and Obstruction of Justice," which carries upon conviction penalties of -- if found guilty in contempt of the Tribunal, penalties of a term of imprisonment of seven -- not exceeding seven years, or a fine not exceeding 100,000 Euros, or both.

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