

SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE TRIAL CHAMBER**SPECIAL TRIBUNAL FOR LEBANON**

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: 11 November 2016

Original language: English

Classification: Public

The PROSECUTOR

v.

**SALIM JAMIL AYYASH
HASSAN HABIB MERHI
HUSSEIN HASSAN ONEISSI
ASSAD HASSAN SABRA**

**DECISION GRANTING PROTECTIVE MEASURES FOR WITNESSES PRH338,
PRH369, PRH423, PRH470 AND PRH605**

Office of the Prosecutor:
Mr Norman Farrell & Mr Alexander Milne

Counsel for Mr Salim Jamil Ayyash:
Mr Emile Aoun, Mr Thomas Hannis &
Mr Chad Mair

**Legal Representatives of
Participating Victims:**
Mr Peter Haynes, Mr Mohammad F. Mattar
& Ms Nada Abdelsater-Abusamra

Counsel for Mr Hassan Habib Merhi:
Mr Mohamed Aouini, Ms Dorothee Le Fraper
du Hellen & Mr Jad Khalil

Counsel for Mr Hussein Hassan Oneissi:
Mr Vincent Courcelle-Labrousse, Mr Yasser
Hassan & Ms Natalie von Wistinghausen

Counsel for Mr Assad Hassan Sabra:
Mr David Young, Mr Guénaël Mettraux
Mr Geoffrey Roberts



1. The Prosecution has sought protective measures for five witnesses who provide evidence identifying from photographs a person purporting to be former Accused, Mr Mustafa Amine Badreddine, as someone they knew as Sami Issa.¹
2. The Prosecution requested that the Trial Chamber grant protective measures under Rule 133 of the Special Tribunal's Rules of Procedure and Evidence due to security and privacy concerns, namely that publicly disclosing their identities would raise security concerns for them and their families and negatively impact their jobs and livelihoods. These five witnesses work and live in Lebanon.
3. Defence counsel did not respond to the motion.
4. The individual circumstances of each witness are described in the following confidential witness statements by Prosecution investigators: Gregory Purser regarding Witness 338, dated 13 October 2015; another investigator regarding Witness 369 in a statement of 27 March 2015, and for Witness 423 of 25 March 2015; Erich Karnberger regarding Witness 470, in a statement dated 2 July 2015 and, for Witness 605, dated 18 October 2016; and Gabor Nagy regarding Witness 605, made on 20 October 2016.
5. The Trial Chamber has carefully examined these statements and the reasons given by the witnesses for seeking protective measures.
6. The Trial Chamber is satisfied that the conditions in Rule 133 are satisfied. Granting the requested protective measures will not prejudice the Accused's rights to a fair trial because the witnesses' identities and statements were disclosed to the Defence.

DISPOSITION

FOR THESE REASONS, the Trial Chamber:

GRANTS the protective measures requested for Witnesses PRH338, PRH369, PRH423, PRH470 and PRH605; and

ORDERS that:

- their identities remain confidential;

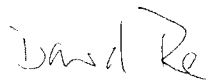
¹ F2790, Prosecution Motion for Protective Measures for PRH470, PRH338, PRH423, PRH605 and PRH369, 21 October 2016.

- the witnesses are referred only by their pseudonym in all public hearings and public documents;
- any documents that are disclosed to the public shall be redacted to protect each witness's identity and information which may identify the witness as a witness at trial;
- if any of the witnesses are required to attend court, the publicly broadcasted images and voice of such witnesses shall be distorted and unrecognizable, and
- no person, including the media and any third parties who become aware of the witnesses' identities and their involvements in the proceedings may disclose information; and

REAFFIRMS that a knowing violation of this order may result in prosecution under Rule 60 *bis*.

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

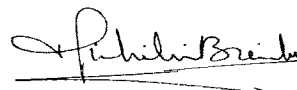
Leidschendam,
The Netherlands
11 November 2016



Judge David Re, Presiding



Judge Janet Nosworthy



Judge Micheline Braidy

