



## Attempted intimidation?



*Al-Akhbar* on Tuesday published a list of 17 men it says are witnesses expected to testify before the Special Tribunal for Lebanon. While STL spokesman Marten Youssef refused to confirm or deny the article's accuracy, in an email to NOW he said that "we condemn any attempt to intimidate and compromise the identities of any individuals, which may impact the safety and security of Lebanese citizens and undermine the administration of justice."

*As the trial of Rafiq Hariri's alleged murders nears, a Lebanese newspaper seems to be trying to intimidate potential witnesses. (AFP Photo)*

In November, the STL's prosecutor filed a pre-trial brief that included a list of 557 witnesses it expects to call at trial. The list of names, however, is not public. The only people with access are members of the prosecutor's staff, the defense team and some administrators within the court. Keeping the names of witnesses out of the public domain before a trial is common practice, according to Marwan Saqr, a Lebanese lawyer who follows the tribunal.

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"It is a matter of protecting them, first of all, and to make sure nobody interferes with them before they testify," Saqr said. The in absentia trial of Salim Ayyash, Mustafa Badreddine, Hussein Oneissi and Assad Sabra—who are accused of participating in the plotting and execution of the February 14, 2005 assassination of former Prime Minister Rafiq Hariri—is scheduled to begin in March, before the STL, though the start date can still be pushed back.

The International Criminal Tribunal for the former Yugoslavia faced a somewhat similar problem. At the ICTY, many witnesses were allowed to testify anonymously after they proved their safety would be in danger if they testified publically. However, the real names of some of these anonymous witnesses were made public during trial, and the court generally initiated **contempt proceedings** against whoever leaked or published the names.

*Al-Akhbar* did not specify where it got the names of the men it claims will be witnesses, and the Tribunal is not necessarily the only possibility. The investigation into Hariri's murder began back in 2005 with both the Lebanese authorities and a special UN committee probing the crime. Previous "leaks" from the STL actually seem to have come from the UN committee, not the court, which was not established until 2009. Therefore, if these men are actually witnesses, their names could have come from a number of sources.

STL spokesman Youssef said, "Any knowing disclosure of confidential information or material originating from the STL, which violates the rules of the Tribunal, can be subject to judicial proceedings for contempt." He refused to comment on whether the court was investigating whether or not such a "knowing disclosure" took place.

As to why the paper – which is openly hostile toward the court and perceived locally as something of a Hezbollah mouthpiece – published the names, Saqr said it was "of course" an attempt to intimidate them. He said that if these men are indeed witnesses, they may now decide to either change their testimonies or recant them completely. Such an eventuality would "pose a problem for the prosecution and sabotage the work of the Tribunal."

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