



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

BEFORE THE TRIAL CHAMBER**Case No:** STL-11-01/PT/TC

Judge Robert Roth, Presiding
Judge Micheline Braidy
Judge David Re
Judge Janet Nosworthy, Alternate Judge
Judge Walid Akoum, Alternate Judge

Registrar: Mr. Herman von Hebel**Date:** 19 March 2013**Original language:** English**Type of document:** Public**THE PROSECUTOR**

v.

SALIM JAMIL AYYASH
MUSTAFA AMINE BADREDDINE
HUSSEIN HASSAN ONEISSI &
ASSAD HASSAN SABRA

ORDER ON RULE 161 NOTICES RE EXPERT WITNESSES

Office of the Prosecutor:
 Mr. Norman Farrell

Counsel for Mr. Salim Jamil Ayyash:
 Mr. Eugene O'Sullivan
 Mr. Emile Aoun

Defence Office:
 Mr. François Roux

Counsel for Mr. Mustafa Amine Badreddine:
 Mr. Antoine Korkmaz
 Mr. John Jones

**Legal Representative of
 Participating Victims:**
 Mr. Peter Haynes

Counsel for Mr. Hussein Hassan Oneissi:
 Mr. Vincent Courcelle-Labrousse
 Mr. Yasser Hassan

Counsel for Mr. Hussein Hassan Oneissi:
 Mr. Vincent Courcelle-Labrousse
 Mr. Yasser Hassan

Counsel for Mr. Assad Hassan Sabra:
 Mr. David Young
 Mr. Guénaël Mettraux





1. The Pre-Trial Judge, on 28 February 2013 and using Rule 89 (E) of the Rules of Procedure and Evidence, referred to the Trial Chamber notices filed under Rule 161 by the Prosecutor and the Defence of the four Accused, Mr. Salim Jamil Ayyash, Mr. Mustafa Amine Badreddine, Mr. Hussein Hassan Oneissi and Mr. Assad Hassan Sabra in relation to the Prosecution's proposed expert witnesses and their reports.¹ The Pre-Trial Judge also ordered the Prosecution to file its final and complete notice under Rule 161 (A) by 2 April 2013. Rule 161 (B) requires the Defence to respond within thirty days.
2. The Trial Chamber, although not yet seized of the case under Rule 95, is now seized of the issue of the Rule 161 testimony of expert witnesses. It wishes to decide in a timely manner, first, the issue of the qualification of each proposed expert witness and thereafter, the admissibility of their reports.
3. The annexes to the Prosecutor's pre-trial brief filed on 15 November 2012 do not contain summaries of the subject matter of the reports of the expert witnesses. To ascertain whether the Prosecution's expert witnesses are qualified to provide the opinions expressed in their reports the qualifications of each must be linked to the subject matter of each report.
4. The Trial Chamber will therefore order the Prosecution to file a short summary of the proposed report of each expert witness with a short statement explaining how the expert is qualified to give the opinion expressed in each report. Counsel for the Defence should file any submissions in response three weeks thereafter. The Defence responses must specifically relate to each individual expert and report and should not be written in a global manner, for example, referring to all experts, or to groups of experts. The Prosecution's summaries and

¹ STL, *Prosecutor v. Ayyash, Badreddine, Oneissi and Sabra*, STL-11-01/PT/PTJ, Decision in Relation to Rule 161 Notices on Expert Witnesses, 28 February 2013;
Prosecution Notice in Relation to Expert Witnesses, Public with Confidential Annexes A through E, 10 December 2012;
Sabra Defence Notice Pursuant to Rule 161(B), Public with Confidential Annex, 24 January 2013;
Notice by the Ayyash Defence Pursuant to Rule 161(B), Confidential with Confidential Annex, 24 January 2013;
Badreddine Defence Notice Pursuant to Rule 161(B), Public with Confidential Annex, 24 January 2013;
The Defence for Hussein Hassan Oneissi Notice under Rule 161(B) in Response to the Prosecution Notice in Relation to Expert Witnesses Dated 10 December 2012, Confidential, 24 January 2013.



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the Defence responses should relate to all proposed expert witnesses notified to the Defence by 2 April 2013.

5. As the Trial Chamber is now seized of the issue of the Rule 161 testimony of expert witnesses, and to avoid duplicating the work of the Pre-Trial Chamber, the deadline for the Defence to file their responses to the Prosecutor's final Rule 161 notice, due 2 April 2013, will be extended to 21 May 2013. These notices should be filed before the Trial Chamber.

FOR THESE REASONS, the Trial Chamber:

- (1) **EXTENDS** the deadline under Rule 161 (B) for the Defence to respond to the Prosecutor's final Rule 161 notice, due on 2 April 2013, to 21 May 2013,
- (2) **ORDERS** the Prosecution to file a short summary of the subject matter of the report of each expert on its witness list, and explaining how each expert is qualified to give the opinion expressed, by 29 April 2013, and
- (3) **ORDERS** the Defence to file any response under Rule 161 (B) (iii) –individually in respect of each expert report– by 21 May 2013.

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

19 March 2013
Leidschendam
The Netherlands

Judge Robert Roth, Presiding

Judge Micheline Braidy

Judge David Re

