



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE PRE-TRIAL JUDGE

Case No.: **STL-11-01/PT/PTJ**

The Pre-Trial Judge: **Judge Daniel Fransen**

The Registrar: **Mr. Herman von Hebel**

Date: **3 April 2013**

Original language: **English**

Classification: **Public**

THE PROSECUTION

v.

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

**DECISION ON PROSECUTION'S REQUEST OF 15 MARCH 2013 TO AMEND
EXHIBIT LIST — FORENSICS**

Office of the Prosecution:
Mr. Norman Farrell

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

Legal Representative of Victims:
Mr. Peter Haynes

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

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

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



I. Introduction

1. In this decision, the Pre-Trial Judge rules on the Prosecution's request of 15 March 2013 to amend the exhibit list by adding certain items related to the Hariri crime scene and Forensic Project 33 (the "Request").¹

II. Procedural History

2. On 15 November 2012, the Prosecution filed its pre-trial brief which included its list of witnesses and exhibits it intended to rely on at trial.²

3. On 21 December 2012, the Prosecution filed a request to amend the witness and exhibit lists, and for authorisation for further disclosure (the "21 December 2012 Request").³

4. On 28 January 2013, the Prosecution filed a corrigendum to the 21 December 2012 Request.⁴

5. On 27 February 2013, the Pre-Trial Judge issued his decision on the 21 December 2012 Request.⁵

6. On 1 March 2013, the Prosecution filed another request to file an updated list of exhibits (the "1 March 2013 Request").⁶

7. On 15 March 2013, the Prosecution filed the Request.

8. On 19 March 2013, the Pre-Trial Judge authorised the Prosecution to amend the exhibit list and the disclosure by the Prosecution of any previously undisclosed items that are added to the exhibit list by 15 April 2013 at the latest (the "19 March 2013 Decision").⁷

¹ STL, *Prosecution v. Ayyash et al.*, Case No. STL-11-01/PT/PTJ, Prosecution Request to Amend Exhibit List Forensics, 15 March 2013. All further references to filings and decisions relate to this case number unless otherwise stated.

² Prosecution's Submission Pursuant to Rule 91, 15 November 2012, which included its confidential pre-trial brief (Annex A) with a public redacted version of the Submission and Annex A dated the same day. The "Witness List" and the "Exhibit List" were filed as confidential Annexes B and C.

³ Prosecution Request to Amend the Witness and Exhibit Lists and Authorization for Further Disclosure (Confidential with Confidential Annexes A to I), 21 December 2012 with a public redacted version of the Request dated the same day.

⁴ Corrigendum to Prosecution Request to Amend the Witness and Exhibit Lists and Authorization for Further Disclosure, 28 January 2013 with a public redacted version dated the same day.

⁵ Decision on Prosecution Request of 21 December 2012 to Amend the Witness and Exhibit Lists and For Authorisation for Further Disclosure, 27 February 2013 (the "Decision of 27 February 2013").

⁶ Prosecution Request to file Updated Exhibit List and Notice on Disclosure, Confidential, 1 March 2013 with a public redacted version dated 8 March 2013.

III. Discussion

9. The Pre-Trial Judge notes that, by way of the Request, the Prosecution proposes to file (1) amendments to its exhibit list in several instalments over a period of six weeks, with the final instalment to be filed by 15 April 2013, and (2), an updated exhibit list relating to “the subject areas of the Hariri crime scene and Forensic Project 33” by 15 March 2013, as the first instalment.⁸ Since at the time of the Request the Prosecution was aware that the Pre-Trial Judge had not yet issued his decision on the 1 March 2013 Request, it is seeking leave to amend its exhibit list by adding items listed in Annexes A and B related to the Hariri crime scene and Forensic Project 33.⁹

10. The Pre-Trial Judge recalls that the 19 March 2013 Decision addressing the 1 March 2013 Request authorised the Prosecution to amend the exhibit list through a series of instalments organised by subject area and furthermore authorised the disclosure of any previously undisclosed items by 15 April 2013.¹⁰ As the 1 March 2013 Request referred *inter alia* to the Prosecution request to file an updated exhibit list relating to the Hariri crime scene and Forensic Project 33, the Pre-Trial Judge considers that the 19 March 2013 Decision has already dealt with the Request.

11. The Pre-Trial Judge considers that the Request is therefore moot.

⁷ Decision on Prosecution Notice of Disclosure and Request to File an Updated Exhibit List Dated 1 March 2013, 19 March 2013.

⁸ Request, para. 2.

⁹ Request, paras 3 and 4.

¹⁰ 19 March 2013 Decision, p. 5.

IV. Disposition

FOR THESE REASONS,

THE PRE-TRIAL JUDGE,

PURSUANT TO Rule 77(A) of the Rules;

DECLARES the Request moot.

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

Leidschendam, 3 April 2013



Daniel Fransen
Pre-Trial Judge

