

**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:** 28 January 2014

**Original language:** English

**Classification:** Public

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**DECISION ON THE ADMISSIBILITY OF WITNESS PRH235'S STATEMENT  
PURSUANT TO RULE 155**

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(Extract from Official Public Transcript of Hearing on 28 January 2014, page 63, line 20 to  
page 65, line 23)

On December the 20th, 2013, the Trial Chamber issued its first decision on the Prosecution's motion under Rule 155 of the Rules of Procedure and Evidence, which sought to admit into evidence written witness statements in lieu of oral testimony. In respect of one witness, PRH235, the statement contained some unidentified signatures and initials. It was not clear to the Trial Chamber whether they were the witness's or somebody else's. The Trial Chamber held in respect of this witness that the Prosecutor should make the witness available for cross-examination unless the Prosecution could clarify, one, whose signature and initials they were in the statement; two, who wrote the --who wrote unidentified notes in the statement. The witness, 235, was in the St. Georges area in Beirut at the time of the explosion and sustained injuries as a result.

On the 16th of January, 2014, the Prosecutor submitted a "Clarification Regarding PRH235's Rule 155 Statement." The Prosecutor stated that the statement submitted with its Rule 155 motion was not the final version of the witness's statement. The Prosecutor

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suggested that a final version should replace that which was previously submitted. The Prosecutor submitted that if the Prosecutor -- if the Chamber allowed this, the unidentified notes would be a nonissue because they would not be included in the final version of the statement. The Prosecutor confirmed that those signature and initials are those of the witness and the interviewer, which is standard practice.

Given the limited scope of this issue and to resolve this matter promptly, the Chamber shortened the dead-line for any Defence responses to the 27th of January, 2014, which was yesterday. Counsel for the accused Mr. Ayyash informed the Trial Chamber that they would not respond to the motion, while counsel for Mr. Oneissi and Mr. Sabra did not respond. Counsel for Mr. Badreddine responded by reiterating that they did not object to admitting PRH235's statement into evidence.

(...)

Based on the Prosecution's clarification, the Chamber considers that the proposed final version of the statement is admissible in lieu of oral testimony and without cross-examination under Rule 155. While the statement still has some minor breaches to the relevant Practice Direction, specifically the witness was not given a copy of Rule 60 bis and 152 of the Rules. Compelling reasons exist to overlook this breach as the witness acknowledged there were consequences for giving false testimony and committing contempt of court and the interview took place before the Special Tribunal was established and its Rules adopted. The final version of PRH235's statement consisting of ERN range 300235-300244 should replace the old version under Exhibit Number R91-400021. Once this is replaced, the statement can be received into evidence.

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