



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

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: 12 June 2014

Original language: English

Classification: Public

THE PROSECUTOR

v.

SALIM JAMIL AYYASH
MUSTAFA AMINE BADREDDINE
HASSAN HABIB MERHI
HUSSEIN HASSAN ONEISSI
ASSAD HASSAN SABRA

ORDER TO THE PROSECUTION IN RELATION TO EXPERT WITNESSES

Office of the Prosecutor:

Mr. Norman Farrell, Mr. Graeme Cameron
& Mr. Alexander Milne

Victims' Legal Representatives:

Mr. Peter Haynes, Mr. Mohammad F. Mattar
& Ms. Nada Abdelsater-Abusamra

Counsel for Mr. Salim Jamil Ayyash:

Mr. Eugene O'Sullivan, Mr. Emile Aoun
& Mr. Thomas Hannis

Counsel for Mr. Mustafa Amine Badreddine:

Mr. Antoine Korkmaz, Mr. John Jones
& Mr. Iain Edwards

Counsel for Mr. Hassan Habib Merhi:

Mr. Mohamed Aouini, Ms. Dorothée Le Fraper
du Hellen & Mr. Jad Khalil

Counsel for Mr. Hussein Hassan Oneissi:

Mr. Vincent Courcelle-Labrousse, Mr. Yasser
Hassan & Mr. Philippe Larochelle

Counsel for Mr. Assad Hassan Sabra:

Mr. David Young, Mr. Guénaél Métraux
& Mr. Geoffrey Roberts



1. On 26 May 2014, the Prosecution requested the Trial Chamber to declare 17 witnesses as expert witnesses and to admit into evidence without cross-examination five reports of expert witnesses.¹ On 10 June 2014, counsel for Mr. Salim Jamil Ayyash, Mr. Mustafa Amine Badreddine, Mr. Hassan Habib Merhi and Mr. Hussein Hassan Oneissi submitted their responses to the Prosecution's motion under Rule 161 of the Special Tribunal's Rules of Procedure and Evidence.²
2. On 6 June 2014, the Prosecution filed its notice of proposed witness order for trial hearings in June and July 2014.³ This notice includes eight expert witnesses the Prosecution intends to call in July.⁴ This order relates to those eight witnesses.
3. Before deciding the admissibility of the reports the Trial Chamber requires further information and clarification from the Prosecution:
 - (i) Nine co-authors have signed the report R91-602843.⁵ The Prosecution, however, has submitted a detailed *curriculum vitae* of only one co-author of the report, Witness PRH155. The information submitted by the Prosecution in relation to the remaining co-authors appears to be insufficient for the Trial Chamber to determine whether the co-authors possess the requisite expertise to provide the expert opinions and conclusions in the report. **The Trial Chamber orders** the Prosecution to submit further biographical information in relation to the co-authors of that report.
 - (ii) The Prosecution stated that it does not rely upon the entirety of report R91-602843.⁶ However, the Prosecution's explanation as to which sections of the report it intends to rely on are unclear. **The Trial Chamber orders** the Prosecution to clarify in a comprehensible form what specific sections of the report R91-602843 are being relied upon and what sections are not.

¹ STL, *Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi, and Sabra*, Prosecution Motion regarding Upcoming Expert Witnesses, 26 May 2014.

² Response by the Ayyash Defence to the 'Prosecution motion regarding upcoming expert witnesses' dated 26 May 2014, 10 June 2014; Badreddine Defence Response to the 'Prosecution motion regarding upcoming expert witnesses' of 26 May 2014, 10 June 2014; Réponse de la défense de Merhi à la 'Prosecution motion regarding upcoming expert witnesses', 10 June 2014; The Defence for Hussein Hassan Oneissi Response to the Prosecution motion regarding upcoming expert witnesses, 10 June 2014.

³ Notice of Proposed Witnesses Order for Trial Hearings in June 2014, 6 June 2014.

⁴ Notice of Proposed Witnesses Order for Trial Hearings in June 2014, 6 June 2014, Annex A.

⁵ PRH153, PRH154, PRH155, PRH156, PRH157, PRH158, PRH159, PRH160 and PRH161.

⁶ Prosecution motion, paras 23 and 24.

- (iii) The *curriculum vitae* submitted by the Prosecution for its proposed expert witness PRH348⁷ provides insufficient information about the educational background and professional experience for the Trial Chamber to determine whether the witness is an expert or a witness of fact. **The Trial Chamber orders** the Prosecution to provide further biographical information for this witness.

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

Leidschendam,
The Netherlands
12 June 2014

David Re

Judge David Re, Presiding

Janet Nosworthy

Judge Janet Nosworthy

Micheline Braidy

Judge Micheline Braidy



⁷ *Curriculum vitae* of Witness PRH348, ERN 60275378.