

**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: 1 July 2014

Original language: English

Classification: Public

DECISION ON THE ADMISSIBILITY OF EXPERT REPORTS

(Extract from Official Public Transcript of Hearing on 1 July 2014, page 5, line 18 to page 7, line 8)

The Prosecution has proposed presenting a forensic report dated the 12th of October, 2006, R91-606447. The Chamber is satisfied that that is an expert report and it can be admitted into evidence. That was tab 9 in the presentation queue.

The next one is a witness statement of Professor Ayoub taken between the 19th of August and the 29th of August, 2005, which appears to be a blend of expert report and witness fact statement. We have decided to admit the earlier statement as an expert -- as an expert report; however, this one we will admit into evidence under Rule 15 [sic] of the Rules of Procedure and Evidence. Rather than it being an expert report, we will classify it as a witness statement under Rule 155, which is admissible, and the witness is of course here subject -- and available for cross-examination.

The next one is -- did I give the number? The number of that was R91-606419, that's the witness statement.

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The third one is a report R91-607619, which is a witness statement taken between the 21st and the 26th of January, 2013, again the Chamber will admit that statement under Rule 155 rather than 161.

The next one is an expert report, R91-606948, which is co-authored with Xavier Laroche and it relates to buccal DNA swabbing of named people for DNA analysis and comparison. The Chamber is satisfied that that is an expert report under Rule 161 and it will be admitted into evidence.

The next one is report R91-607159, co-authored by Professor Ayoub, Ms. Rosa Assadrian, Mr. Issam Mansour, and Mr. Amer Fouad Sakr concerning the DNA analysis of a burnt tooth collected from the crime scene. It is dated the 10th of March, 2005. The Chamber is also satisfied that that is admissible under Rule 161 and will be admitted into evidence under that rule.

The final one is report R91-606417, that's -- relates to genetic profiles, nuclear and/or mitochondrial, of individuals and traces related to the crime scene at the explosion. It also appears to relate to some connected attacks. It has been submitted under a letter of the Prosecutor-General of Lebanon of the 18th of July, 2009.

The report is partly admissible under Rule 161, although there are some parts of it which are not relevant or the Prosecutor will have to explain to the Chamber how it's relevant before we will admit it into evidence, but we can deal with that as we go during the day I hope, Mr. Milne. We've noted the Defence objections to parts of that last report as to its relevance and, if necessary, we'll hear any further argument on that at a convenient point.

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