

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: 18 September 2014

Original language: English

Classification: Public

THE PROSECUTOR

v.

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

DECISION ON EXPERT WITNESS PRH155**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. Dorothee 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 Méthaux
& Mr. Geoffrey Roberts



BACKGROUND

1. The Prosecution intends to call Witness PRH155 to testify about a report entitled ‘Final forensic report re crime scene’ and dated 14 May 2006. The witness, with other members of a team of Spanish forensic investigators, jointly prepared the report.¹

2. On 26 May 2014, the Prosecution requested the Trial Chamber to declare seventeen witnesses as experts, including Witness 155, and to admit into evidence five expert reports, including the witness’s.² In a decision, on 12 June 2014, the Trial Chamber ordered the Prosecution to provide further biographical information about the authors of the report.³ In a decision on other Prosecution experts rendered on 21 August 2014, the Trial Chamber deferred making a formal decision as to whether this witness is an expert within the meaning of Rule 161 of the Special Tribunal’s Rules of Procedure and Evidence, and, hence on the report’s admissibility as an expert report.⁴ On 5 September 2014, as requested, the Prosecution submitted a more detailed *curriculum vitae* for the witness.⁵

DISCUSSION

Witness 155’s qualifications

3. The Trial Chamber held, in its decision of 12 June 2014, that it was satisfied that Witness 155 and the eight co-authors of the report may assist in understanding the Prosecution’s case, and that he can provide relevant and probative evidence.⁶ On the basis of this and the information provided on 5 September 2014, the Trial Chamber considers that Witness 155 is qualified as a forensic expert within the meaning of Rule 161.

Witness 155’s ‘Final forensic report re crime scene’ of 14 May 2006

4. The Trial Chamber has already decided that the report is relevant to the consolidated indictment in respect of the forensic examination of the crime scene.⁷ As Witness 155 is qualified as an expert within the meaning of Rule 161, and the report’s subject matter falls within his expertise, the Trial Chamber finds that parts of the report sought to be relied upon by the Prosecution—namely,

¹ ‘Final forensic report re crime scene’, 14 May 2006, R91-602843, ERN 60036751-60037100.

² STL-11-01/T/TC, *Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi, and Sabra*, Prosecution Motion Regarding Upcoming Witnesses, 26 May 2014.

³ Order to the Prosecution in Relation to Expert Witnesses, 12 June 2014, para. 3(i).

⁴ Decision on Twelve Expert Witnesses, 21 August 2014, paras 25-31.

⁵ Prosecution Response to the Decision on Twelve Expert Witnesses, Annex A, 5 September 2014.

⁶ Decision, para. 27

⁷ Decision, para. 31.

pages 1 to 265, the graphic on page 270, pages 288-292, and the appendix of 56 pages to the report—are admissible under Rule 161.

DISPOSITION

FOR THESE REASONS, the Trial Chamber:

DECLARES that Witness PRH155 is qualified as an expert under Rule 161; and

RULES ADMISSIBLE as an expert report pages 1 to 265, the graphic on page 270, pages 288-292, and the appendix of 56 pages to the ‘Final forensic report re crime scene’ of 14 May 2006.

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

Leidschendam,
The Netherlands
18 September 2014

David Re

Judge David Re, Presiding

Janet Nosworthy

Judge Janet Nosworthy

Micheline Braidy

Judge Micheline Braidy

