

**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: 9 December 2014

Original language: English

Classification: Public

DECISION GRANTING PROSECUTION'S MOTION (F1761) TO ADD MR WALID JUMBLATT (PRH683) AND MR ALI MOHAMMAD HAMADE (PRH684) TO ITS WITNESS LIST

(Extract from Official Public Transcript of Hearing on 9 December 2014, page 7, line 11 to page 9, line 20)

During the testimony of Mr. Marwan Hamade on the 17th and 18th of November this year, 2014, much evidence was given about the role of Mr. Walid Jumblatt in certain events in 2004 and 2005 related to the consolidated indictment. Mr. Jumblatt is the leader of the Lebanese Progressive Socialist Party and is a prominent Lebanese politician who was a close political ally of the former Lebanese Prime Minister Mr. Rafik Hariri.

On the 18th of November, the Trial Chamber asked the Legal Representative of the Victims and Prosecution counsel whether either was intending to call Mr. Jumblatt to testify. The Legal Representative of the Victims publicly stated that Mr. Jumblatt was on his witness list, while the Prosecution counsel, Mr. Cameron, responded by saying that the Prosecution was considering seeking to add Mr. Jumblatt's name to its own list.

The Trial Chamber then asked the Prosecution to consider - given the contentious nature of the evidence that Mr. Jumblatt could give - whether it would be preferable for the

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Prosecution to call Mr. Jumblatt, rather than the Trial Chamber calling the witness on behalf of the Legal Representative for the Victims, as required by Rules 87(B) and 146(B) (ii) of the Special Tribunal's Rules of Procedure and Evidence.

Two days later, on the 20th of November, 2014, the Prosecution filed a confidential motion to amend its witness list under Rule 91, to which counsel for Mr. Salim Jamil Ayyash and Mr. Hussein Hassan Oneissi responded on the 4th of December. A slightly redacted version of the Prosecution's motion has now been filed, in that several words were redacted from the confidential version.

In that motion, the Prosecution asked the Trial Chamber to amend its witness list to allow it to add the name of Mr. Walid Jumblatt and that of another potential witness, Mr. Ali Mohamad Hamade to its witness list.

According to the Prosecution, Mr. Jumblatt's evidence is relevant and probative. Mr. Jumblatt, a close political associate of Mr. Hariri, has a thorough understanding of Lebanese politics. His evidence would address political developments in Lebanon in 2004 and 2005, including the extension of President Emile Lahoud's mandate, the adoption of the United Nations Security Council Resolution 1559 of 2004, of September 2004, relations between Syria and Lebanon, and frequent meetings he had with the former Prime Minister Mr. Hariri in the period leading to his assassination in February 2005.

The other potential witness, Mr. Ali Mohamad Hamade is a journalist working for the Lebanese newspaper An-Nahar and for Future Television. He was closely connected to Mr. Hariri and from around 15th of October, 2004, until Mr. Hariri's assassination was an intermediary between Mr. Hariri and the Syrian President Bashar Al-Assad, conveying messages between them in an attempt by Mr. Rafik Hariri - according to the Prosecution - to ease tensions. The Prosecution submits that Mr. Ali Mohamad Hamade's evidence is relevant to the political situation in Lebanon and to Syrian-Lebanese relations during the relevant period and his evidence will also be probative.

The Prosecution says that adding these names to the witness list will not prejudice Defence preparations for trial nor cause any delay to the trial itself. The Prosecution is now in the process of disclosing to the Defence all relevant documents relating to these two witnesses and would not propose calling them to testify before early 2015.

As for the requirement of good cause for this late request to add two witnesses to the witness list, the Prosecution explained that in light of the Trial Chamber's indication of the

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18th of November, 2014, that I referred to earlier, Mr. Jumblatt's name should now be added to its own witness list, that is, transferred from the witness list of the Legal Representative of the Victims.

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