

SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE APPEALS CHAMBER

Case No: STL-11-01/T/AC

Before: Judge Ivana Hrdličková, Presiding
Judge Ralph Riachy
Judge David Baragwanath
Judge Afif Chamseddine
Judge Daniel David Ntanda Nsereko

Registrar: Mr Daryl Mundis

Date: 13 July 2015

Original language: English

Classification: Confidential

THE PROSECUTOR

v.

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

DECISION ON APPLICATIONS FILED BY COUNSEL FOR WITNESS PRH012

Prosecutor:
Mr Norman Farrell

Head of Defence Office:
Mr François Roux

**Legal Representatives of
Participating Victims:**
Mr Peter Haynes, Mr Mohammad F. Mattar
& Ms Nada Abdelsater-Abusamra

Counsel for Witness PRH012:
Mr Geoffrey Robertson and Mr Toby Collis,
instructed by Mark Stephens and Elizabeth
Morley of Howard Kennedy LLP, with Gail
Gove, Chief Counsel, Reuters News, Thomson
Reuters

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 Guénaël Mettraux
Mr Geoffrey Roberts



1. Upon an application by the Prosecutor, the Trial Chamber issued a summons to a witness, Witness PRH012, to appear to testify in the *Ayyash et al.* trial.¹ The witness filed for certification to appeal the decision.² While this request was still pending, the witness filed two applications directly before the Appeals Chamber. In the first the witness seeks to appeal the Trial Chamber's decision to summon the witness ("Application");³ in the second the witness requests the Appeals Chamber to suspend the operation of the summons ("Request for Suspensive Effect").⁴
2. Subsequent to these submissions, the Trial Chamber denied the certification request.⁵
3. The Prosecutor responded to the Application and the Request for Suspensive Effect, requesting that they be dismissed.⁶
4. We decide to dismiss both the Application and the Request for Suspensive Effect. We note that the witness is scheduled to testify tomorrow.⁷ Because of this urgency, we have ruled on the matter immediately, with written reasons to follow. Judge Baragwanath dissents from this decision.

DISPOSITION

THE APPEALS CHAMBER, Judge Baragwanath dissenting,

DISMISSES the Application and the Request for Suspensive Effect; and

DECLARES that it will provide written reasons for this decision in due course.

¹ STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/TC, F2040, Decision on Prosecution Application for a Summons to Appear for Witness 012 and Order Issuing a Summons for a Witness, Confidential, 1 July 2015 ("Decision on Summons").

² STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/TC, F2059, Application for Certification for the Appeal of the Trial Chamber Decision Dated 1 July 2015, Pursuant to Rule 126, Confidential, 8 July 2015.

³ STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/AC, F2068, Application to Appeal Pursuant to Inherent Jurisdiction Made on Behalf of Witness PRH012, Confidential with Confidential Annex, 9 July 2015. Counsel also filed an addendum (STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/AC, Addendum to Application to Appeal Dated 9 July 2015 Pursuant to Inherent Jurisdiction, Confidential, 12 July 2015).

⁴ STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/AC, F2067, Witness PRH012: Urgent Application for Suspension of Compulsory Testimony, Confidential with Confidential Annex, 9 July 2015.

⁵ STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/TC, F2069, Decision Denying Certification to Appeal the Trial Chamber's Decision on Issuing a Summons to Witness 012, Confidential, 10 July 2015.

⁶ STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/AC, F2071, Prosecution Consolidated Response to "Application to Appeal Pursuant to Inherent Jurisdiction on Behalf of Witness PRH012", "Witness PRH012: Urgent Application for Suspension of Compulsory Testimony", and "Addendum to Application to Appeal Dated 9 July 2015 Pursuant to Inherent Jurisdiction", Confidential, 13 July 2015.

⁷ Decision on Summons, Annex A, Order Issuing a Summons for a Witness.

Done in Arabic, English and French, the English version being authoritative.
Dated 13 July 2015
Leidschendam, the Netherlands



Judge Ivana Hrdličková
Presiding Judge

