

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: 28 September 2015

Original language: English

Classification: Public

THE PROSECUTOR

v.

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

**DECISION AUTHORISING VIDEO-CONFERENCE
LINK TESTIMONY FOR WITNESS PRH087**

Office of the Prosecutor:

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

Counsel for Mr Salim Jamil Ayyash:

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

Victims' Legal Representatives:

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

Counsel for Mr Mustafa Amine Badreddine:

Mr Antoine Korkmaz, Mylène Dimitri & 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 Yassine
Hassan & Mr Philippe Laroche

Counsel for Mr Assad Hassan Sabra:

Mr David Young, Mr Guénaél Mettraux &
Mr Geoffrey Roberts



INTRODUCTION

1. On 19 August 2015, the Prosecution requested authorisation for Witness PRH087 to testify via video-conference link under Rule 124 of the Special Tribunal's Rules of Procedure and Evidence.¹ The Trial Chamber granted protective measures for Witness 087 on 17 September 2015.² Counsel for the Accused, Mr Mustafa Amine Badreddine, responded to the motion.³

SUBMISSIONS

2. The Prosecution submits that video-conference link testimony is in the interests of justice because Witness 087 would experience significant disruption due to personal issues regarding travel to the Netherlands. Video-conference link testimony is equivalent to testifying by being physically present in the courtroom and preserves the rights of the Accused to cross-examine the witnesses, and the ability to assess the evidence's credibility and reliability.⁴ Counsel for Mr Badreddine took no position on the requested video-conference link testimony.⁵

DISCUSSION

3. Rule 124 provides, '[a]t the request of either Party, the Pre-Trial Judge or a Chamber may, in the interests of justice, order that testimony be received via video-conference link'. In applying this Rule, the Trial Chamber has issued a number of decisions in relation to specific witnesses and one 'general decision' in which it identified the key principles associated with testimony via video-conference link.⁶ These principles are applicable to this decision.

4. Having considered the specific personal circumstances of the witness, the nature of the evidence, and the rights of the Accused, the Trial Chamber is satisfied under Rule 124 that it is in the interests of justice to hear this witness via video-conference link. Video-conference link testimony allows for effective cross-examination, and the Special Tribunal's Beirut facility allows counsel to electronically show documents to witnesses. Further, the request is

¹ STL-11-01/T/TC, *Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi and Sabra*, F2128, Prosecution Motion for Authorisation of Video-Conference Link Testimony for PRH018 and PRH087, 19 August 2015.

² Transcript of hearing of 17 September 2015, pp 41-45.

³ F2153, Badreddine Defence Response to "Prosecution Motion for Authorisation of Video-Conference Link Testimony for PRH018 and PRH087", 31 August 2015.

⁴ Prosecution motion, para. 4.

⁵ Badreddine response, para. 2.

⁶ F1425, General Decision on Video-Conference Link Testimony and Reasons for Decision on Video-Conference Link Testimony of Witness PRH128, 25 February 2014, paras 21-23; F1696, Decision on the Prosecution Motion for Testimony by Video-Conference Link for Witness PRH291, 14 October 2014, para. 2.

unopposed by any of the counsel for the Accused. The Trial Chamber, therefore, authorises video-conference link testimony for Witness 087.

CONFIDENTIALITY

5. The Prosecution requests that Annex A to the motion, detailing the specific reasons why Witness 087 requested to testify by video-conference link, remain confidential without having to submit a publicly redacted version. Because the information in the annex is publicly summarised in paragraph three of the motion, the Trial Chamber, in this instance, will order that the annex remain confidential without ordering a publicly redacted version be filed.

DISPOSITION

FOR THESE REASONS, the Trial Chamber:

AUTHORISES Witness PRH087 to testify before the Special Tribunal via video-conference link.

Leidschendam,
The Netherlands
28 September 2015

David Re

Judge David Re, Presiding

Janet Nosworthy

Judge Janet Nosworthy

Micheline Braidy

Judge Micheline Braidy

