

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: 13 October 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 ON PROSECUTION REQUEST TO AMEND ITS WITNESS
AND EXHIBIT LISTS**

Office of the Prosecutor:

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& Mr Alexander Hugh Milne

Counsel for Mr Salim Jamil Ayyash:

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Mr Thomas Hannis

Victims' Legal Representatives:

Mr Peter Haynes, Mr Mohammad F. Mattar
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Mr Antoine Korkmaz, Mr Iain Edwards &
Ms Mylène Dimitri

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 Youssef
Hassan & Mr Philippe Laroche

Counsel for Mr Assad Hassan Sabra:

Mr David Young, Mr Guénaél Mettraux &
Mr Geoffrey Roberts



INTRODUCTION

1. The Prosecution requests leave to amend its witness and exhibit lists, filed under Rule 91 of the Special Tribunal's Rules of Procedure and Evidence, by adding 12 witnesses and 147 exhibits. These witnesses and exhibits relate to the final stage of the Prosecution's case against the Accused and identify the Accused as users of relevant mobile telephones. If its request is granted, the Prosecution also sought leave to file updated witness and exhibit lists.¹ Counsel for the Accused, Mr Mustafa Amine Badreddine, Mr Hassan Habib Merhi and Mr Hussein Hassan Oneissi, responded, opposing the motion, and the Prosecution replied to an issue raised by counsel for Mr Merhi.²

SUBMISSIONS

2. The Prosecution submits that all of the proposed witnesses and exhibits are relevant and probative, generally, to the attribution of relevant telephones, and that good cause exists to seek this amendment at this stage.³

A. Proposed witnesses

3. Seven of the twelve witnesses will give evidence attributing relevant telephones to the Accused. One of these gives a location relevant to attributing a telephone to the Accused, Mr Merhi. Another worked for Mr Sami Issa, who the Prosecution alleges is an alias for the Accused, Mr Badreddine. One witness will testify that she did not purchase a telephone that the Prosecution alleges was used by Mr Badreddine. Three witnesses will attribute telephone numbers to third parties, which the Prosecution will use to attribute a telephone number to the Accused, Mr Salim Jamil Ayyash. And the last witness of this group will testify about a short message service (SMS) he sent, inadvertently, to a 'red' network telephone that the Prosecution will attribute to Mr Ayyash.⁴

¹ STL-11-01/T/TC, *Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi and Sabra*, F2133, Prosecution Request to Amend its Witness and Exhibit Lists, 21 August 2015, para. 1.

² F2173, Badreddine Defence Response to the "Prosecution Request to Amend its Witness and Exhibit Lists" Dated 21 August 2015, 4 September 2015; F2176, Merhi Defence Response to "Prosecution Request to Amend its Witness and Exhibit Lists", 7 September 2015; F2175, The Defence for Hussein Hassan Oneissi Response to "Prosecution Request to Amend its Witness and Exhibit Lists" Filed 21 August 2015, 4 September 2015; F2194, Prosecution Reply to "Réponse de la Défense de Merhi à la "Prosecution Request to Amend its Witness and Exhibit Lists"", 14 September 2015. Reflecting that it no longer sought to add a document to its exhibit list, the Prosecution filed an amended version of its motion and Annex B to the motion. F2252, Amended Version of "Prosecution Request to Amend its Witness and Exhibit Lists", filed 21 August 2015, 6 October 2015.

³ Prosecution motion, paras 2-5.

⁴ Prosecution motion, paras 8-13.

4. One witness will testify to interactions between Witness PRH089 and Sami Issa. Witness 089 is a member of the circle of family and acquaintances of former Lebanese Prime Minister, Mr Rafik Hariri. The Prosecution submits that his evidence relates to the information-gathering methods employed by Mr Badreddine.⁵

5. The remaining four witnesses will testify to the provenance and reliability of other documentary evidence—such as documents attributing a telephone to Witness 089, extracts from databases provided by Lebanese communication service providers and death records for Mr Merhi's brother—that the Prosecution will use to attribute telephones to the Accused.⁶

B. Proposed exhibits

6. The Prosecution listed eight categories of documents it seeks to add to its exhibit list.

i. Extract from contact list of a former staff member of the Special Tribunal's Office of the Prosecutor and memorandum from Special Tribunal's Registry

7. The Registry provided the Prosecution with an extract from the contact list of a former Prosecution staff member recording the telephone number for a senior Hezbollah official. The Registry also provided a memorandum on how it created this extract. Attributing this telephone number to this senior Hezbollah official is relevant to attributing telephones to Mr Ayyash and Mr Badreddine and their relationship with this senior official.⁷

ii. Extracts from databases created and provided by external sources

8. One extract was created from a database of Hajj applications and gives a date of birth for this same senior Hezbollah official. This assists in attributing a telephone number to him, as that telephone received an SMS message on his birthday in 2004 and 2007. Attributing this telephone to this official is relevant to attributing telephones to Mr Ayyash and Mr Badreddine.⁸

⁵ Prosecution motion, para. 14.

⁶ Prosecution motion, paras 15-18.

⁷ Prosecution motion, para. 20.

⁸ Prosecution motion, para. 21.

9. Another extract from a private company's customer database provides a telephone number for Sami Issa. This information was previously disclosed to the Defence in a statement by Witness PRH643.⁹

10. Thirty more extracts from other companies give information about clients and replace versions already on the exhibit list, but that contained minor errors. Prosecution analyst and witness, Mr Andrew Donaldson, relied upon the original extracts in his attribution reports.¹⁰

11. Five proposed exhibits relate to the Accused, Mr Oneissi. Four documents record his family members' entry to and exit from Lebanon between 1 January 2000 and 31 December 2005. The other proposed exhibit is a family status record for Mr Oneissi listing his siblings and their spouses, which is relevant to the entry and exit records. These documents assist in attributing a 'purple' telephone to Mr Oneissi.¹¹

12. The Prosecution also seeks to add 60 documents from the Lebanese Traffic, Truck and Vehicle Management Authority to its exhibit list. These documents contain registration and purchase information for vehicles, and the Prosecution will use them to attribute mobile telephones to the Accused. With one exception, the extracts replace existing versions on the exhibit list and provide additional information on provenance and chain of custody of these registration documents.¹² An application form for a Lebanese identity card identifies a distant relative of Mr Merhi, and is relevant to attributing a telephone number to his family.¹³

13. Finally, 28 extracts were created from subscriber databases that the Prosecution obtained from Lebanese communications service providers: Ogero, MTC and Alfa.¹⁴ The information in these extracts was disclosed to the Defence through Witness PRH011's statement. Eighteen of the extracts replace versions already on the exhibit list that have some minor discrepancies. Eleven extracts are new, six of which were created to corroborate the evidence of Witness 011. And five new extracts provide information on third parties, which the Prosecution will use to attribute telephone numbers to the Accused.¹⁵

⁹ Prosecution motion, para. 22.

¹⁰ Prosecution motion, para. 23.

¹¹ Prosecution motion, paras 24-25.

¹² Prosecution motion, para. 26.

¹³ Prosecution motion, para. 27.

¹⁴ The motion originally sought to add 29 extracts, but, following the response of Mr Merhi, the Prosecution does not seek to add one extract related to Mr Merhi. Prosecution reply, paras 2-3; amended version of Prosecution motion, para. 28 and Annex B, item 10.

¹⁵ Prosecution motion, para. 28.

iii. *Items provided by witnesses or related to their testimony*

14. Witness PRH095 recently sent a letter, in response to a Prosecution request for assistance, identifying the location and telephone number of a medical clinic where he treated Mr Ayyash and his family members. The Lebanese Government Directorate General of the Internal Security Forces, Judicial Police Unit, Central Criminal Investigation Section, in a response to another Prosecution request for assistance, describes its attempts to locate and interview the named subscriber of a telephone that the Prosecution attributes to Mr Badreddine. This document shows that the named subscriber could not be found and the address provided for the subscriber does not exist, supporting an inference that the details were false when provided.¹⁶

iv. *Items provided by Lebanese communication service providers*

15. The two Lebanese mobile telephone service providers, Alfa and MTC Touch, responded to a Prosecution request for assistance about five specific telephone numbers. These numbers called or received a call from a telephone that the Prosecution attributes to Mr Badreddine. MTC Touch, responding to another request for assistance, provided a technical explanation about the call data records it previously provided to the Prosecution.¹⁷

v. *Items about a flight from Beirut, Lebanon to Jeddah, Saudi Arabia*

16. Two documents contain conflicting information about a person named Samer Fathi Abboud. One is a passport application for a person named ‘Samer Fathi Abboud’, and the other is a personal status extract from the Lebanese Government Ministry of Interior and Municipalities showing that no such person exists. The Prosecution submits that, when considered with the fact that Mr Ayyash’s name appears on the passenger manifest for a flight from Beirut to Jeddah on 15 January 2005, the Trial Chamber could conclude that travellers to the Hajj may abuse identity documents. This conclusion is relevant to attributing telephones to Mr Ayyash on and after the date of the flight.¹⁸

vi. *Financial documents*

17. Seven documents from Banque Franco-Libanaise and Bank Al-Madina—including bank statements, a bank client information sheet, a copy of an identification card, a credit card

¹⁶ Prosecution motion, paras 29-30.

¹⁷ Prosecution motion, para. 31.

¹⁸ Prosecution motion, para. 32.

application and credit card statements—provide telephone numbers for two brothers of Mr Rustom Gazaleh, the late former head of Syrian Intelligence in Lebanon. The credit card statements show purchases by the brothers from jewellery stores that the Prosecution alleges Sami Issa, alias of Mr Badreddine, owned.¹⁹

vii. *School records for Mr Badreddine's daughter*

18. The Lebanese Ministry of Education and Higher Education Directorate General of Education provided school records for Mr Badreddine's daughter. The document contains a telephone number for emergencies, which the Prosecution alleges belongs to an associate of Sami Issa and frequently contacted a telephone it attributes to Mr Badreddine. Therefore, this document assists in proving that Sami Issa is actually Mr Badreddine.²⁰

viii. *Expert reports by Witness PRH435, Mr Edward Philips*

19. Mr Philips, who first testified from 18-26 August 2015 and is scheduled to return twice more to testify, provided a new expert report and has updated an expert report already on the Prosecution's exhibit list. The reports present Mr Philips' opinions on whether seven telephones were used by one user, but they now include end cell data—that is, information on the location of the mobile telephones at the end of calls. The end cell data was provided after the original report was created and disclosed, and the new report summarises the effects of the end cell data on his previous report.²¹

20. The Prosecution submits, generally, that there is good cause for adding all of the proposed additional witnesses and exhibits. In preparing for the final stage of its case, the Prosecution reviewed its evidentiary holdings and determined this evidence was relevant, probative and should be put before the Trial Chamber. Additionally, these proposed exhibits and witnesses should not unduly delay the Defence preparations for trial. It disclosed the materials in advance of the motion, and the vast majority of the proposed evidence corroborates evidence previously disclosed to the Defence. The Prosecution submits that this evidence does not raise any new matters.²²

¹⁹ Prosecution motion, para. 33.

²⁰ Prosecution motion, para. 34.

²¹ Prosecution motion, paras 35-36.

²² Prosecution motion, paras 37-40.

C. Defence submissions and Prosecution Reply

21. Counsel for Mr Badreddine and Mr Merhi generally object to all of the proposed witness and exhibit additions for lack of good cause in seeking the amendment. The submission by the Prosecution that it recently determined these witnesses and materials to be relevant is insufficient and is merely a delay of its own making.²³

22. Counsel for Mr Merhi submitted that the Prosecution, in relation to one extract from a Lebanese communication service provider subscriber database used in attributing a telephone to Mr Merhi, indicated specifically that they would not rely on the document.²⁴ In reply, the Prosecution acknowledged that they had inadvertently said they would not seek to rely on that document when they disclosed it. The Prosecution therefore no longer seeks to add this document to its exhibit list.²⁵

23. Counsel for Mr Badreddine, Mr Merhi and Mr Oneissi specifically object to the proposed documents that relate to the senior Hezbollah official—the extract from the former Prosecution employee’s contact list, the Registry memorandum and the extract from the Hajj applicant database—as not relevant to any charge in the consolidated indictment.²⁶ Counsel for Mr Badreddine accept only the limited relevance of the senior official’s number as a top contact of a telephone number that the Prosecution attributes to Mr Badreddine, but any further reliance on the evidence concerning this official has no relevance to the charges.²⁷

24. Counsel for Mr Badreddine, Mr Merhi and Mr Onssisi also object—for lack of relevance—to the financial documents for Mr Rustom Gazaleh’s brothers.²⁸ Counsel for Mr Badreddine argue that these financial documents have been in the Prosecution’s possession since 2005, but were only disclosed three days before the motion was filed. Moreover, they made previous requests to the Prosecution for disclosure of documents relating to the funding of the operation to assassinate Mr Hariri, in particular, any payments from Rustom Gazaleh to Mr Badreddine through his jewellery store. They submit that allowing the Prosecution to add

²³ Badreddine response, para. 2; Merhi response, para. 2.

²⁴ Merhi response, para. 3, footnote 5. The document, appears in Prosecution motion, Annex B, line 10.

²⁵ Prosecution reply, paras 2-4.

²⁶ Badreddine response, paras 3-6; Merhi response, para. 6; Oneissi response, paras 6-7.

²⁷ Badreddine response, para. 5.

²⁸ Badreddine response, paras 7-9; Merhi response, para. 6; Oneissi response, paras 6-7.

these documents to its exhibit list would be prejudicial due to lack of notice about the Prosecution's case about these documents.²⁹

25. Counsel for Mr Merhi object to the documents provided by the Lebanese Traffic, Truck and Vehicle Management Authority. The previous versions of these documents on the exhibit list were short—about a half page of information—but the new versions are many pages with much more information to review.³⁰

26. Counsel for Mr Oneissi object to the documents related to the entry to and exit from Lebanon of Mr Oneissi's family members and their personal status records. They submit that the Prosecution has not explained how these documents support its attribution of a 'purple' telephone to Mr Oneissi, especially as the documents do not coincide with the attribution period—that is, the time period during which the Prosecution alleges that Mr Oneissi used the relevant telephone.³¹

27. Counsel for Mr Oneissi submit, for all the documents they object to, that the Prosecution has not shown good cause in seeking their addition to the exhibit list. The late attempt to add them to its exhibit list is a delay created entirely by the Prosecution. Counsel then claim that the Prosecution case is shifting and being revealed piecemeal, which has undermined the purpose of filing witness and exhibit lists under Rule 91 before trial. They therefore request an order to the Prosecution to re-file a consolidated version of its witness and exhibit lists.³²

DISCUSSION

28. The Trial Chamber may, in the interests of justice, allow a party to amend its exhibit and witness lists, but must balance the Prosecution's interest in presenting any available evidence against the rights of an accused person to adequate time and facilities to prepare for trial.³³ The evidence must be *prima facie* relevant and probative, and the Trial Chamber may consider general factors that include: (i) whether the Prosecution has shown good cause for

²⁹ Badreddine response, paras 8-9 and the annex to their response.

³⁰ Merhi response, para. 5.

³¹ Oneissi response, paras 8-9.

³² Oneissi response, paras 11-15.

³³ F2149, Decision on Prosecution Motion to Admit 62 Photographs, 28 August 2015, para. 3; F2062, Decision on 'Prosecution Motion for the Admission of Locations Related Evidence', 9 July 2014, para. 66.

not seeking the amendments at an earlier stage; (ii) the stage of the proceedings; (iii) whether granting the amendment would result in undue delay.³⁴

A. Proposed additional witnesses

29. The Trial Chamber, having reviewed the 12 proposed witnesses' statements, is satisfied that their evidence is relevant and probative to the attribution of relevant telephone numbers, to Sami Issa, and to the reliability and provenance of other evidence. From reading the witnesses' statements, it seems as though the Prosecution will seek to tender some of the statements under Rule 155. Their evidence is largely corroborative of other evidence and will not unduly burden the Defence in their trial preparations. The Trial Chamber is satisfied that it is in the interests of justice to add these 12 witnesses.

B. Proposed additional exhibits

30. The Trial Chamber has reviewed all of the documents and will address their relevance and probative value by category.

i. Documents related to a senior Hezbollah official

31. This category includes the extract from the contact list of a former Prosecution staff member, the related memorandum from the Registry, the extract from the Hajj applicant database, and one MTC subscriber note. The Trial Chamber is satisfied that these documents are relevant to the attribution of a telephone number to the senior Hezbollah official, which, in turn, is relevant to the attribution of telephones to the Accused, Mr Ayyash and Mr Badreddine.

ii. Documents about Mr Oneissi's family

32. These are entry and exit documents and personal status documents about Mr Oneissi's family. The Trial Chamber is satisfied that these documents are relevant to and probative of attributing a telephone number to the Accused, Mr Oneissi. Counsel for Mr Oneissi's arguments in this regard go more toward evidentiary weight.

³⁴ Decision of 28 August 2015, para. 3.

iii. Lebanese Traffic, Truck and Motor Vehicle Management Authority documents

33. These documents, provided by the Authority or extracted by the Prosecution from a database it provided, are relevant to the attribution of telephones to the Accused. While the new exhibits may be longer than the versions currently on the Prosecution's exhibit list, the new information on provenance and chain of custody assists the Trial Chamber in determining the reliability and probative value of these documents.

iv. Other extracts

34. The customer database extract about Sami Issa, customer database extracts on other individuals, a Lebanese identity card for Mr Merhi's relative and the remaining subscriber notes are relevant and probative. The extract about Sami Issa includes a telephone number, and the Trial Chamber is satisfied that it could assist in attributing that telephone to Mr Badreddine. The other customer database extracts aid in attributing other telephones. These 30 extracts replace documents already on the exhibit list, correcting minor errors. The identity card for Mr Merhi's relative assists in attributing a telephone to Mr Merhi's family. Lastly, the remaining subscriber notes—with the exception of the subscriber note for the senior Hezbollah official dealt with above and the extract relating to Mr Merhi that the Prosecution no longer seeks to add—either replace existing notes on the Prosecution's exhibit list or are new and relate to third parties who were in contact with the Accused. These notes are relevant to and probative of telephone attribution.

v. Items provided by witnesses

35. The letter from Witness 095, a doctor who treated members of Mr Ayyash's family, is relevant to his evidence which attributes telephone numbers to the Accused, Mr Ayyash, and his family. The response from Lebanese Directorate General of the Internal Security Forces indicating that the named subscriber of a telephone could not be located, as the named building does not exist, assists the Trial Chamber in determining whether that telephone actually belonged to the Accused, Mr Badreddine.

vi. Documents from Lebanese communication service providers

36. The responses by Alfa and MTC to the Prosecution's requests for assistance provide relevant information on five telephones allegedly in contact with telephones used by Mr

Badreddine. MTC's explanation about the call data records provided to the Prosecution can assist the Trial Chamber in making its determination of whether the call data records are reliable and probative.

vii. Documents about a flight from Beirut, Lebanon to Jeddah, Saudi Arabia

37. The two documents—a passport application in the name of Samer Fathi Abboud and a document from the Lebanese Ministry of Interior and Municipalities claiming to have no records of that person—could support an inference that travellers to the Hajj might fraudulently use identity documents. However, the Trial Chamber does not see the relevance of these documents to the case and, therefore, denies the Prosecution leave to add these documents to its exhibit list. The Prosecution, however, may re-file its application seeking leave to add these documents if it can demonstrate their relevance.

viii. Financial documents

38. Documents from Banque Franco-Libanaise and Bank Al-Madina provide telephone numbers for Rustom Gazaleh's brothers and show large purchases they made at Sami Issa's jewellery businesses. However, the Prosecution's case about these facts is unclear. Neither the consolidated indictment nor the pre-trial brief contain any reference to Mr Rustom Gazaleh, nor his brothers. The Trial Chamber accepted that testimony about Mr Gazaleh—and, in particular, his meetings with Mr Hariri—was relevant to the political context in which the events leading up to Mr Hariri's assassination occurred.³⁵

39. However, these documents about Mr Gazaleh's brothers, proving large purchases by Mr Gazaleh's brothers at Sami Issa's jewellery stores, do not appear relevant.³⁶ Whether these brothers made purchases at stores owned by Sami Issa is beyond contextual evidence. The Defence have no notice of these facts or what the Prosecution seeks to prove. In the absence of the necessary information on the Prosecution's case, the Trial Chamber denies leave for the Prosecution to add these financial documents. The Prosecution, however, may renew its application if it can demonstrate to the Trial Chamber the relevance of this proposed evidence.

³⁵ See F1798, Decision on Application for Certification of Decision Regarding the Scope of Marwan Hamade's Evidence, 18 December 2014, para. 4; Transcript of 17 November 2014, p. 4.

³⁶ Prosecution motion, Annex B, items 38-40.

ix. School records for Mr Badreddine's daughter

40. This document lists as an emergency contact a telephone number the Prosecution alleges belongs to an associate of Sami Issa and was in frequent contact with telephones attributed to Mr Badreddine. This document, therefore, is relevant to linking Mr Badreddine and his alleged alias, Sami Issa.

x. Expert reports

41. Expert witness, Mr Edward Philips, updated one of his reports and authored a new report after receiving additional end cell data. The updated report modifies his conclusions on whether seven relevant telephones were used by one person, after having examined the end cell data. The new report summarises the effects of the end cell data on the conclusions in previous reports he authored. They are therefore relevant to his expert opinions on telephone attribution and will assist the Trial Chamber.

C. Good cause, stage of the proceedings, and undue delay

42. The Prosecution submits that it has good cause in seeking these amendments at this stage because it completed a review of its evidentiary holdings in advance of the final stage of its case against the Accused. It seeks to put the best quality evidence before the Trial Chamber and considered these proposed witnesses and exhibits are sufficiently relevant and probative to justify the request. Additionally, it submits that the new evidence does not raise any new matters, as the proposed statements and exhibits are mostly corroborative of previously disclosed evidence.

43. The Trial Chamber sympathises with Defence counsel, who submit that this request comes at a very advanced stage of the proceedings. The Prosecution has had at least seven of these proposed exhibits since 2005. However, the Trial Chamber sees some good cause to allow these amendments. During the Prosecution case, the Parties, including the Prosecution, have reviewed their evidence. This includes re-evaluating the relevance, probative value or reliability of an exhibit or witness previously not on the Party's exhibit or witness list. Further amendments to the Prosecution's witness and exhibit lists, though, should demonstrate greater cause and be made in a timely manner.

44. Additionally, as the vast majority of the proposed additions corroborate evidence previously disclosed to the Defence, replace previous versions on the exhibit list or derive

from databases disclosed to the Defence, the Trial Chamber does not believe allowing these additions will cause undue delay to the Defence's preparations for trial. Therefore, except for the two documents about the flight from Beirut to Jeddah, the financial documents for Mr Rustom Gazaleh's brothers and the one subscriber database extract the Prosecution no longer wishes to add, the Trial Chamber considers that allowing these amendments to the Prosecution's witness and exhibit lists is in the interests of justice.

45. The Trial Chamber emphasises that allowing the addition of these exhibits to the Prosecution's exhibit list does not mean that it will receive them into evidence. The Trial Chamber will receive any further argument at the point of admission.

D. Filing updated witness and exhibit lists

46. The Prosecution requested permission to file updated versions of its witness and exhibit lists, incorporating any authorised additions from this motion. Similarly, in their response, counsel for Mr Oneissi requested an order to the Prosecution to file consolidated versions of its witness and exhibit lists. The Trial Chamber, having allowed most of the amendments, agrees that updated witness and exhibit lists would assist it in following the Prosecution's proposed evidence.

DISPOSITION

FOR THESE REASONS, the Trial Chamber:

GRANTS the Prosecution leave to amend its witness list by adding witnesses listed in Annex A of its motion;

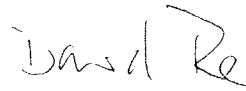
GRANTS the Prosecution leave to amend its exhibit list by adding the documents listed in Annexes B and C, except for the ten documents listed at Annex B of the Amended Version of the Prosecution Motion, items 10, 30-31 and 34-39; and

AUTHORISES the Prosecution to file updated versions of its witness and exhibit lists.

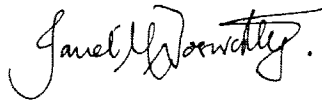
Done in Arabic, English, and French, the English version being authoritative.

Leidschendam,
The Netherlands

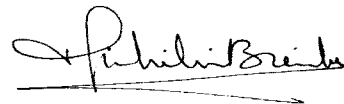
13 October 2015



Judge David Re, Presiding



Judge Janet Nosworthy



Judge Micheline Braidy

