

**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: 27 October 2015

Original language: English

Classification: Public

DECISION AUTHORISING MR KARNBERGER (PRH312) AND MR HOLFORD (PRH400) TO TESTIFY BY VIDEO-CONFERENCE LINK

(Extract from Official Public Transcript of Hearing on 27 October 2015, page 3, line 13 to page 4, line 22)

This is a decision on Prosecution motion for video-conference link testimony for PRH312 and PRH400, filed on the 21st of October, 2015, in filing F2281.

On the 21st of October, the Prosecution filed a motion requesting authorization under Rule 124 of the Special Tribunal's Rules of Procedure and Evidence for witnesses Mr. Erich Karnberger and Mr. Timothy Holford, who both work for the Office of the Prosecutor, to testify by video-conference link from the Special Tribunal's Beirut office.

The Prosecution intends to call the two witnesses to testify tomorrow, the 28th of October, 2015. The Trial Chamber therefore shortened the dead-line by e-mail for the parties to respond to the motion.

Counsel for the accused Mr. Salim Jamil Ayyash, Mr. Mustafa Amine Badreddine, Mr. Hassan Habib Merhi, and Mr. Hussein Hassan Oneissi informed the Trial Chamber that they would not be filing a response.

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Counsel for Mr. Assad Hassan Sabra responded, saying that they would not be opposing the request according to an agreement with the Prosecution that these witnesses would be called again at a later point for further cross-examination beyond the scope of the evidence found admissible at this point in the case.

The Prosecution submitted that it is in the interests of justice to hear these witnesses by video-conference link. Both are employees of the Office of the Prosecutor stationed in the Beirut office with ongoing work commitments requiring their presence in Lebanon. Requiring their presence in Leidschendam, the Netherlands, would take them away from these commitments. Testimony by video-conference link safeguards the rights of the accused to cross-examine witnesses and preserves the Special Tribunal's finite financial and logistical resources.

As noted, no Defence counsel oppose the request.

The Trial Chamber finds that it is in the interests of justice to hear these two witnesses, Mr. Karnberger and Mr. Holford, by video-conference link as both have professional commitments in Beirut that would make travel to the Netherlands burdensome. Testimony by video-conference link, the Trial Chamber emphasizes, is not exceptional and preserves the right of the accused to cross-examination.

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