

**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: 12 November 2015

Original language: English

Classification: Public

DECISION REVOKING THE TRIAL CHAMBER'S DECISION TO ALLOW AN ANSWER TO A JUDGE'S QUESTION

(Extract from Official Public Transcript of Hearing on 12 November 2015, page 43, line 18 to page 44, line 23)

This is a ruling on an application for reconsideration made yesterday by counsel for Mr. Badreddine at page 51 of the transcript of 11th of November, 2015, in respect of a decision of the Trial Chamber which in effect is at page 50 at lines 1 through to 13. The decision was -- and before I quote, it relates to hearing an answer to a question posed to the witness by Judge Akoum at page 41 of the transcript. The decision was:

“The Trial Chamber, of course, may exclude, if persuaded, the answer, that is, the evidence, which is received in relation to the question under Rule 149(D). So we have to do this in two stages.

“So Judge Akoum wishes to ask the question. The witness can answer the question. Then the Trial Chamber will rule, but maybe not necessarily right away, on whether it should, as Mr. Edwards has submitted, supported by counsel for all of the other four accused, exclude the evidence on the basis that its probative value is substantially outweighed by the need to ensure a fair trial.

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“And I also note that the Prosecutor said that they would not be relying upon on what could be in-court identification of any accused person, particularly here Mr. Badreddine by this particular witness, so we'll proceed on that basis.”

The Chamber has heard arguments from Defence and Prosecution yesterday and today. The Trial Chamber notes that Judges may ask questions under Rule 145 and Rule 27 of witnesses, and that Judge Akoum has asked a question which remains on the record.

Having heard the arguments and the clarifications put by counsel before the Chamber today, the Chamber has decided to revoke the decision it made yesterday. The effect of this is that Judge Akoum's question remains on the record but there is, as yet, no answer to it. That, in effect, means that the Chamber hasn't ruled on the substantive objection raised by counsel for Mr. Badreddine at this particular point. The question can be revisited in the future, if necessary.

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