

**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: 11 February 2016

Original language: English

Classification: Public

**DECISION DENYING PROSECUTION'S ORAL APPLICATION FOR FUTURE
RESUMPTION OF PRH707'S TESTIMONY THROUGH VIDEO CONFERENCE
LINK**

(Extract from Official Public Transcript of Hearing on 11 February 2016, page 35, line 23 to
page 37, line 3)

[It] relates to the Prosecution's application to continue the evidence of Witness 707 at a future time by video-conference link. The Prosecution proposed that when the witness finishes testifying this week, that his evidence is continued at a later point by video-conference link. The application was opposed by the Defence of Mr. Oneissi, Mr. Badreddine, and Mr. Ayyash; it wasn't opposed by counsel for the other two accused, Mr. Merhi and Mr. Sabra.

The Prosecution essentially based – [...] their application upon the fact that the witness had been waiting for a while before testifying, had already been in examination-in-chief for four days now, his evidence was anticipated to take a longer time, and that he – not allowing the witness to continue his evidence by video-conference link would impose a burden upon him, particularly in relation to his work obligations.

Interpretation serves to facilitate communication.
Only the original speech is authentic.

The Defence of the accused Mr. Badreddine and Mr. Ayyash objected, pointing out that there was an issue here relating to the parity of the proceedings, not an equality of arms but a parity, in the sense that the Prosecution will have had what they described as the benefit of having the witness here in the courtroom in Leidschendam for the examination-in-chief, but on the other hand, the Defence would not because the cross-examination would not commence this week.

The Chamber has carefully reflected upon the arguments of the Prosecution and the Defence and notes that in the past it has declined to allow the evidence by video-conference link in relation to witnesses that it had deemed to be important to the case and especially important to Defence cross-examination. In the Trial Chamber's view, this witness, Witness 707, falls into that category and, on balance, the Trial Chamber will exercise its discretion not to allow the Prosecution's application, but in doing so, we note that the parity issue or argument is lessened by the fact that the Prosecution's examination-in-chief will probably [...] not finish this week, so the application is refused.

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