

SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

BEFORE THE TRIAL CHAMBER**SPECIAL TRIBUNAL FOR LEBANON**

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 June 2016

Original language: English

Classification: Public

PROSECUTOR

v.

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

***Public Redacted Version of "ORDER TO THE PROSECUTION
REGARDING A WITNESS" of 28 June 2016***

Office of the Prosecutor:

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

**Legal Representatives of
Participating Victims:**

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

Counsel for Mr Salim Jamil Ayyash:

Mr Emile Aoun, Mr Thomas Hannis & Mr Chad
Mair

Counsel for Mr Mustafa Amine Badreddine:

Mr Antoine Korkmaz, Mr Iain Edwards &
Ms Mylène Dimitri

Counsel for Mr Hassan Habib Merhi:

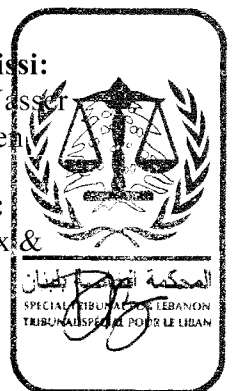
Mr Mohamed Aouini, Ms Dorothee Le Fraper du
Hellen & Mr Jad Khalil

Counsel for Mr Hussein Hassan Oneissi:

Mr Vincent Courcelle-Labrousse, Mr Yasser
Hassan & Ms Natalie von Wistinghausen

Counsel for Mr Assad Hassan Sabra:

Mr David Young, Mr Guénaél Mettraux &
Mr Geoffrey Roberts



1. Arguing that a witness is unavailable to testify, the Prosecution has moved the Trial Chamber to receive into evidence, under Rule 158 of the Special Tribunal's Rules of Procedure and Evidence, three relevant documents.¹ The Defence of Mr Hassan Habib Merhi, Mr Hussein Hassan Oneissi, and Mr Assad Hassan Sabra oppose the motion, arguing that the witness is not unavailable and the documents should not be received into evidence.² To assist the Trial Chamber in determining whether the witness is 'unavailable' within Rule 158, the Trial Chamber orders the Prosecution to undertake the following additional steps:

- To obtain, if possible, any medical records supporting that the witness has any medical issues preventing the witness from testifying;³
- To attempt to contact the witness and to explore the possibility of using protective measures under Rule 133;
- To take all necessary steps to establish whether it is possible for the witness to testify by video conference link from the witness's country of residence; and
- To establish the witness's legal status in the witness's country of residence and whether there are any conditions requiring cooperation with relevant legal authorities.

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

Leidschendam,
The Netherlands
28 June 2016

David Re

Judge David Re, Presiding

Janet Nosworthy

Judge Janet Nosworthy

Micheline Braidy

Judge Micheline Braidy

¹ [REDACTED]; see STL-11-01/T/TC, *Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi and Sabra*, F2601, Prosecution motion to admit [REDACTED], 25 May 2016, confidential.

² F2619, Mehri Defence response to "Prosecution motion to admit [REDACTED]", 9 June 2016; F2621 Sabra Defence response to "Prosecution motion to admit [REDACTED]", 9 June 2016, confidential with an annex; F2622, Defence for Hussein Hassan Oneissi response to "Prosecution motion to admit [REDACTED]", Date 27 May 2016, 9 June 2016, confidential with annexes A to L; see also F2623, Prosecution consolidated reply to Sabra Defence and Oneissi Defence to Prosecution motion to admit [REDACTED], 14 June 2016.

³ As set out in the statement of Prosecution investigator, Mr Toby Smith, ERN 60317889-60317893, 17 June 2016, [REDACTED].

