

**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:** 12 July 2016

**Original language:** English

**Classification:** Public

**PROSECUTOR**

v.

**SALIM JAMIL AYYASH  
HASSAN HABIB MERHI  
HUSSEIN HASSAN ONEISSI  
ASSAD HASSAN SABRA**

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**DECISION TO ADMIT SUPPLEMENTAL STATEMENT OF MR ELVIS STANA  
(WITNESS PRH703)**

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**Office of the Prosecutor:**

Mr Norman Farrell, Mr Graeme Cameron &  
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 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. The Trial Chamber has received into evidence under Rule 155 (C) of the Special Tribunal's Rules of Procedure and Evidence<sup>1</sup>—but with cross-examination required—a statement of Mr Elvis Stana (Witness PRH703), an Information Management Analyst employed by the Special Tribunal's Office of the Prosecutor.<sup>2</sup> In the statement, exhibit P667, the witness explained his statistical analysis of telecommunications call data records to determine the synchronization between the clocks recording the times in the call data records of the communications between the Lebanese telecommunications service providers, MTC Touch and Alfa, in 2004 and 2005. Mr Stana testified and was cross-examined on his statement.<sup>3</sup>

2. Mr Stana, however, when he made his statement and testified, did not have all relevant information from Alfa. The Prosecution subsequently received extra relevant information from Alfa in November and December 2015. The new information explains that in 2004 and 2005, Alfa had six mobile switching centres—as opposed to the five that Mr Stana originally concluded that Alfa had. Consequently, Mr Stana reran his statistical analysis. He concluded that the results were the same as to any timing variations. He then provided a second supplemental statement, dated 18 February 2016, explaining his analysis and conclusion.

3. According to the Prosecution, this new statement is relevant to understanding the difference between the times of calls recorded in the call data records of the two companies. The Prosecution therefore moves the Trial Chamber to accept into evidence, again under Rule 155—but without cross-examination—Mr Stana's additional statement.<sup>4</sup> No Defence counsel acting for the Accused responded to the motion.

4. The statement is relevant and contains the necessary indicia of reliability to provide it with probative value. It complies with the practice direction.<sup>5</sup> No Defence counsel want to cross-examine the witness. There is no need to recall Mr Stana to testify. His statement may therefore be admitted under Rule 155 (C) without cross-examination.

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<sup>1</sup> Rule 155 allows the Trial Chamber to receive statements into evidence in lieu of oral testimony that do not go to proof of the acts and conduct of an accused person as charged in the indictment.

<sup>2</sup> STL-11-01/T/TC, *Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi and Sabra*, F2282, Decision on Prosecution Motion to Admit the Statements of Witnesses PRH575 and PRH703, 21 October 2015.

<sup>3</sup> On 28 October 2015, transcript pp 29-80.

<sup>4</sup> F2484, Prosecution Rule 155 Motion to Admit the Supplemental Statement of PRH703, 7 March 2016.

<sup>5</sup> STL, Practice Direction on the Procedure for Taking Depositions under Rules 123 and 157 and for Taking Witness Statements for Admission in Court under Rule 155, 15 January 2010.

**DISPOSITION**

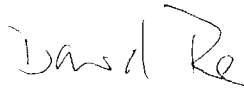
**FOR THESE REASONS**, the Trial Chamber:

**DECLARES** Mr Elvis Stana’s statement admissible under Rule 155 (C) without cross-examination; and

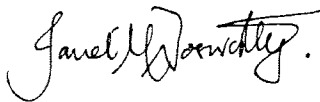
**DECIDES** that it will formally admit it into evidence at a suitable time in the proceedings.

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

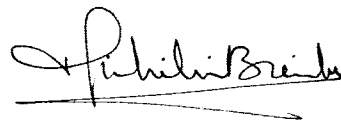
Leidschendam,  
 The Netherlands  
 12 July 2016



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 Judge David Re, Presiding



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 Judge Janet Nosworthy



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 Judge Micheline Braidy

