

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: 12 July 2016

Original language: English

Classification: Public

PROSECUTOR

v.

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

**DECISION ON ADMISSION UNDER RULE 154 OF ENTRY-EXIT, BANKING
AND MEDICAL DOCUMENTS RELATING TO SALIM JAMIL AYYASH**

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 Prosecution,¹ unopposed by the Defence of the Accused, Mr Salim Jamil Ayyash,² has sought the admission into evidence, under Rule 154 of the Special Tribunal's Rules of Procedure and Evidence, of eight documents relevant to the identification of Mr Ayyash. The documents, listed in Annex A to the motion, comprise three official entry-exit records to and from Lebanon obtained from the Lebanese Directorate General for Public Security, four financial records obtained from Lebanese banks via the Lebanese Directorate of General Finance, and a medical record obtained by a request for assistance sent to the Lebanese Government. Annex B lists documents supporting the provenance and reliability of the documents. Annex C lists call sequence tables for each relevant number allegedly attributable to Mr Ayyash.

2. According to the Prosecution, the entry-exit documents prove the movement of members of Mr Ayyash's family in and out of Lebanon in 2004 and 2005, and are relevant to attributing the relevant telephone numbers to Mr Ayyash. These numbers include personal mobile telephone 383 1170, a foreign telephone number, and Lebanese landline number 546 7696. The financial records provide biographical information and show the business transactions of Mr Ayyash and of close family members at two banks. Through cell-site evidence, these are consistent with his use of certain telephone numbers attributed to him. The medical record lists medical appointments and the contact details of Mr Ayyash and of some relatives. These assist to attribute mobile telephones usage to him and to provide evidence of his movements and of some of his relatives.

3. The Prosecution and counsel for Mr Ayyash agree that these records are relevant to the case against Mr Ayyash and are reliable. Defence counsel, however, disagree with the inferences the Prosecution seeks to draw from the documents and dispute the attribution of the telephone numbers to Mr Ayyash.

4. The documents are clearly relevant to the case pleaded against Mr Ayyash in the consolidated indictment. The provenance and reliability of the records is unchallenged in three categories. The Trial Chamber finds that they have the *prima facie* reliability to give the documents probative value. Whether they can be used in the manner suggested by the

¹ STL-11-01/T/TC, *Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi and Sabra*, F2558, Prosecution Rule 154 Motion for the Admission of Exhibits in Relation With the Accused Ayyash, 19 April 2016, Public with confidential Annexes A-C.

² F2586, Ayyash Defence Response to "Prosecution Rule 154 Motion for the Admission of Exhibits in Relation With the Accused Ayyash", 4 May 2016.

Prosecution is for the Trial Chamber's later evaluation. They may be admitted into evidence under Rule 154.

5. The Prosecution also requested to keep Annex A to the motion confidential as it contains the personal information of persons unconnected to the case. As there is no public interest in making this information public, the annex should remain confidential.

DISPOSITION

FOR THESE REASONS, the Trial Chamber,

DECLARES admissible the eight documents listed in Annex A to the Prosecution motion;

DECIDES that it will, at a suitable stage in the proceedings, formally admit the documents into evidence; and

ORDERS Annex A to the motion to remain confidential.

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

Leidschendam,
The Netherlands
12 July 2016

David Re

Judge David Re, Presiding

Janet Nosworthy

Judge Janet Nosworthy

Micheline Braidy

Judge Micheline Braidy

