

SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

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: 15 November 2016

Original language: English

Classification: Public

The PROSECUTOR

v.

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

**DECISION ON PROSECUTION MOTION FOR VIDEO-CONFERENCE LINK
TESTIMONY FOR WITNESS PRH017**

Office of the Prosecutor:
Mr Norman Farrell & Mr Alexander Milne

Counsel for Mr Salim Jamil Ayyash:
Mr Emile Aoun, Mr Thomas Hannis &
Mr Chad Mair

**Legal Representatives of
Participating Victims:**
Mr Peter Haynes, Mr Mohammad F. Mattar
& Ms Nada Abdelsater-Abusamra

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 Métraux &
Mr Geoffrey Roberts



1. The Trial Chamber, on 8 November 2016, declared Witness PRH017's statement of 2 September 2016 admissible, and required his attendance for cross-examination, under Rule 156 of the Special Tribunal's Rules of Procedure and Evidence.¹ The Prosecution requests the Trial Chamber to authorise the witness to testify by video-conference link from the Special Tribunal's Beirut Office.²

2. The Prosecution submits that Witness 017's video-conference link testimony is in the interests of justice because he is unable to travel to Leidschendam in the Netherlands due to his work commitments. It permits greater flexibility in arranging his testimony and possible cross-examination by the Defence, and minimises the impact on his personal life and professional commitments. In terms of probative value, reliability and credibility, and respect for the Accused's rights, the witness's testimony via video-conference link is equivalent to an in-court testimony.³ The Prosecution also requests that annex A remain confidential to protect the witness's identity.

3. Counsel for the Accused, Mr Salim Jamil Ayyash, Mr Hassan Habib Mehri, Mr Hussein Hassan Oneissi and Mr Assad Hassan Sabra do not oppose the motion.⁴

4. Rule 124 of the Special Tribunal's Rules of Procedure and Evidence provides that, 'at the request of either party, the Pre-Trial Judge or a Chamber may, in the interests of justice, order that testimony be received via video-conference link.'

5. The Trial Chamber is satisfied that it is in the interest of justice to hear Witness 017 by video-conference link. It allows for effective cross-examination, and the Special Tribunal's Beirut Office can facilitate counsel showing documents electronically to the witness. The Trial Chamber, therefore, authorises video-conference link testimony for Witness 017.

DISPOSITION

FOR THESE REASONS, the Trial Chamber,

AUTHORISES Witness 017 to testify by video-conference link; and

¹ STL-11-01/T/TC, *Prosecutor v. Ayyash, Merhi, Oneissi and Sabra*, F2824, Decision on Witness PRH017 under Rule 155, 8 November 2016.

² F2828, Prosecution Motion for Video-Conference Link Testimony for PRH017, 11 November 2016.

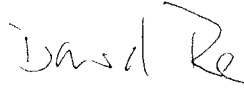
³ Prosecution motion, paras 5-8.

⁴ Emails to the Trial Chamber's Legal Officer from the respective Defence counsel on 11 and 14 November 2016.

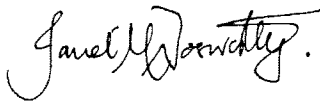
MAINTAINS the confidentiality of annex A of the Prosecution motion until it decides otherwise.

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

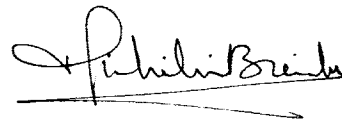
Leidschendam,
The Netherlands
15 November 2016



Judge David Re, Presiding



Judge Janet Nosworthy



Judge Micheline Braidy

