

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: 27 February 2017

Original language: English

Classification: Public

THE PROSECUTOR

v.

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

**ORDER ON SABRA DEFENCE MOTION FOR THE ADMISSION OF DOCUMENTS
RELATING TO AHMED ABU ADASS**

Office of the Prosecutor:
Mr Norman Farrell & Mr Alexander Hugh
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 Dorothée 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 Geoffrey Roberts



1. Counsel for Mr Assad Hassan Sabra have requested the admission of over 160 items into evidence.¹ The material, which was distributed among the annexes to its motion, relates to the character, religious beliefs and habits of Ahmed Abu Adass and persons closely associated with him.² The Prosecution opposed the motion and, among other things, identified the existence of a number of duplicate entries, items already admitted or declared admissible, and an item of which judicial notice had already been taken.³ The Sabra Defence replied but did not address the identified issues.⁴ As a result, the Trial Chamber requested the Sabra Defence to revise their annexes.⁵ Subsequently, counsel for Mr Sabra submitted an addendum to their original motion with revised annexes,⁶ to which the Prosecution responded, identifying further issues and problems with the Sabra Defence motion's annexes.⁷

2. In light of the continued confusion relating to these annexes, and in the interests of judicial economy, counsel for Mr Sabra are ordered to refile their motion and annexes by 9:00 a.m., 6 March 2017. In this respect, the Sabra Defence must specify which items it seeks to have admitted and the annexes must be free from the typographical and other errors identified by the Prosecution. In addition, the tendered items must:

- Be individually arranged in continuous numbered rows, and with columns addressing the following for each item:
 - Item number;
 - Motion footnote number;
 - Title of item;

¹ STL-11-01/T/TC, *Prosecutor v. Ayyash, Merhi, Oneissi and Sabra*, F2914, Motion for the Admission of Documents Relating to the Claim of Responsibility - Character, religious beliefs and associates of Ahmed Abu Adass, 16 December 2016 (confidential with confidential annexes A, B and C).

² Mr Addas was the person whom the Prosecution alleges was used by some of the Accused in the making of an allegedly false claim of responsibility for the attack of 14 February 2005, in which the former Lebanese Prime Minister Mr Rafik Hariri and others were killed. See F2720, Amended Consolidated Indictment, 12 July 2016, paras 3(b)-(d), 5, 23, 28-29, 44, 48(c), 64(f), 66(f), 68(h), 70(h).

³ F2943, Prosecution Response to Sabra "Motion for the Admission of Documents Relating to the Claim of Responsibility - Character, religious beliefs and associates of Ahmed Abu Adass", 18 January 2017 (confidential with confidential annexes A, B and C).

⁴ F2957, Reply to "Prosecution Response to Sabra 'Motion for the Admission of Documents Relating to the Claim of Responsibility - Character, religious beliefs and associates of Ahmed Abu Adass'" (confidential), 27 January 2017.

⁵ E-mail from Trial Chamber Legal Officer to counsel for Mr Sabra, 6 February 2016.

⁶ F2914, Addendum to "Motion for the Admission of Documents Relating to the Claim of Responsibility - Character, religious beliefs and associates of Ahmed Abu Adass", 8 February 2017 (confidential with confidential annexes A, B and C).

⁷ F3011, Prosecution Response to Sabra Addendum to "Motion for the Admission of Documents Relating to the Claim of Responsibility - Character, religious beliefs and associates of Ahmed Abu Adass", 23 February 2017 (confidential).

- ERN range of entire item (regardless of whether an extract or the entire item is tendered for admission), in both English and Arabic (where applicable);
- ERN range of relevant paragraphs/pages relied upon or whose admission is sought (where applicable);
- Extract(s) of specific text relied upon from each tendered item;
- Relevance;
- Specific probative value;
- Indicia of reliability (including chain of custody, where necessary).
- Be arranged thematically (i.e. organized by type of document); and
- Not contain duplications, admitted evidence, items declared admissible, and items of which judicial notice has already been taken.

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

Leidschendam,
The Netherlands
27 February 2017

David Re

Judge David Re, Presiding

Janet Nosworthy

Judge Janet Nosworthy

Micheline Braidy

Judge Micheline Braidy

