

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:** 20 April 2017

**Original language:** English

**Classification:** Public

**The PROSECUTOR**

v.

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

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**ORDER ON MERHI DEFENCE REQUEST FOR DISCLOSURE OF DOCUMENTS  
CONCERNING WITNESS PRH230 (ANDREW DONALDSON)**

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**Office of the Prosecutor:**  
Mr Norman Farrell & Mr Alexander 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 Geoffrey Robert



Counsel for the Accused, Mr Hassan Habib Merhi, seek an order for the disclosure of eight categories of documents concerning Witness PRH230, Prosecution analyst Mr Andrew Donaldson, who is expected to testify from 9 May 2017. The Prosecution opposed the request and the Merhi Defence replied. The request was preceded by an exchange of correspondence between the Parties.<sup>1</sup> In these circumstances, the Trial Chamber considers it necessary, in the interests of justice and expeditiousness, to examine for itself any potentially disclosable material and to determine whether it should be disclosed. The Trial Chamber therefore orders the Prosecution to provide it, on an *ex parte* basis, by 16:00 on Tuesday, 25 April 2017, with the following:

- (i) any documents containing questions put to or answers given by Mr Donaldson directly relating to the subject matter of his expected testimony;
- (ii) any draft statements prepared by Mr Donaldson directly relating to the subject matter of his expected testimony; and
- (iii) any draft reports prepared by Mr Donaldson directly relating to the subject matter of his expected testimony.

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

Leidschendam,  
The Netherlands  
20 April 2017

*David Re*

Judge David Re, Presiding

*Janet M. Nosworthy*

Judge Janet Nosworthy

*Micheline Braidy*

Judge Micheline Braidy

<sup>1</sup> STL-11-01/T/TC, *Prosecutor v. Ayyash, Merhi, Oneissi and Sabra*, F3045, Merhi Defence Motion for Disclosure of Documents relating to the Witness Andrew Donaldson (PRH230), 21 March 2017 (public confidential Annexes A-G); F3067, Prosecution Response to Merhi Defence Motion for Disclosure of Documents relating to PRH230, 5 April 2017; F3079, Merhi Defence Reply to the “Prosecution Response to Merhi Defence Motion for Disclosure of Documents relating to PRH230”, 11 April 2017.

