

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: 14 September 2017

Original language: English

Classification: Public

THE PROSECUTOR

v.

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

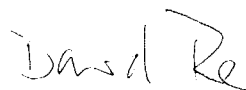
**ORDER TO PROSECUTION TO UPDATE THE TRIAL CHAMBER ON
ITS CONTINUING EFFORTS TO SECURE WITNESS PRH024'S
ATTENDANCE FOR CROSS-EXAMINATION**

Office of the Prosecutor:Mr Norman Farrell & 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 Dorothée Le Fraper
du Hellen & Mr Jad Youssef 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
Ms Sarah Bafadhel

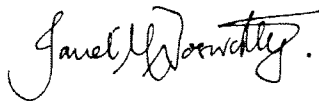
1. On 28 April 2017, the Trial Chamber decided to admit into evidence the statement of Witness PRH024, finding that he was untraceable and therefore ‘unavailable’ under Rule 158 of the Special Tribunal’s Rules of Procedure and Evidence.¹ A summons requiring the witness’ attendance for cross-examination had not been served upon him.²
2. However, the decision stated, at paragraph 40, that ‘should he become available during the course of the trial, he must appear for cross-examination by the Defence. For this reason, the Prosecution must continue, with the assistance of the Lebanese Government, its diligent efforts to secure the witness’ attendance during the course of the trial’.
3. The Trial Chamber has not yet formally received the witness statement—in the form of an audio-recorded interview—into evidence.³
4. Consequent to the decision, the Trial Chamber orders the Prosecution to update the Trial Chamber, as soon as possible, on these efforts.

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

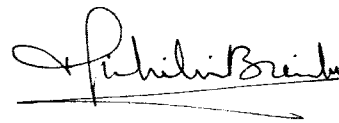
Leidschendam,
The Netherlands
14 September 2017



Judge David Re, Presiding



Judge Janet Nosworthy



Judge Micheline Braidy

¹ STL-11-01/T/TC, *Prosecutor v. Ayyash, Merhi, Oneissi and Sabra*, F3107, Corrected Version of “Decision on ‘Prosecution Motion to Admit the Statement of PRH024 under Rule 158’ – with Partially Dissenting Opinion of Judge David Re” dated 28 April 2017, 1 May 2017.

² F3027, Order Issuing a Summons for a Witness, 9 March 2017 (confidential); F3056, Further Registry Submission pursuant to Rule 48(C) in Response to the Trial Chamber’s Order of 13 March 2017, 29 March 2017 (confidential with confidential annex A); F3056, Addendum to “Further Registry Submission pursuant to Rule 48(C) in Response to the Trial Chamber’s Order of 13 March 2017”, 4 April 2017 (confidential with confidential annex A).

³ However, it has been marked for identification as exhibit P2103 MFI; *see* transcript of 20 July 2017, pp 52-53.

