

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:** 2 October 2017

**Original language:** English

**Classification:** Public

**THE PROSECUTOR**

v.

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

**ORDER REGARDING SIMULTANEOUS TRANSCRIPTION****Office of the Prosecutor:**

Mr Norman Farrell &amp; Mr Alexander Hugh Milne

**Counsel for Mr Salim Jamil Ayyash:**

Mr Emile Aoun, Mr Thomas Hannis &amp; Mr Chad Mair

**Legal Representatives of****Participating Victims:**

Mr Peter Haynes, Mr Mohammad F. Mattar &amp; Ms Nada Abdelsater-Abusamra

**Counsel for Mr Hassan Habib Merhi:**

Mr Mohamed Aouini, Ms Dorothee Le Fraper du Hellen &amp; Mr Jad Youssef Khalil

**Counsel for Mr Hussein Hassan Oneissi:**

Mr Vincent Courcelle-Labrousse, Mr Yasser Hassan &amp; Ms Natalie von Wistinghausen

**Counsel for Mr Assad Hassan Sabra:**

Mr David Young, Mr Geoffrey Roberts &amp; Ms Sarah Bafadhel



1. The Pre-Trial Judge, on 16 September 2011, made a decision under Rule 10 of the Special Tribunal's Rules of Procedure and Evidence 'Official and Working Languages', in which he held of real time transcripts,<sup>1</sup>

the Pre-Trial Judge considers that it may be advisable for real time transcripts to be provided in English, with Arabic and French transcripts being made available within a reasonable time after the end of the hearing. However, since resolving the language regime applicable to transcripts of oral proceedings would not contribute to the expeditious preparation of the trial at this stage of proceedings, the Pre-Trial Judge will not decide on that regime, and instead defers to the relevant Chamber to make that determination at the appropriate time.

2. The Trial Chamber has not varied this order and it stands.

3. The Registry plans to introduce simultaneous real-time transcription of the court proceedings into French. This will involve the presence of a second court reporter in the court-room during hearings. The Presiding Judge of the Trial Chamber became aware of this on the evening of Friday 29 September 2017; this was intended to occur on Monday 2 October 2017, during the cross-examination of a significant Prosecution witness, Mr Andrew Donaldson. No application has been made to vary the Pre-Trial Judge's order, above.

4. The Trial Chamber supports the initiative, as it would if real-time transcription were introduced for Arabic, the official language of Lebanon. Apparently, the initiative has been the subject of discussion at—and perhaps the approval of—the Special Tribunal's senior management board<sup>2</sup> but without the Trial Chamber being informed or consulted. Consequently, the Trial Chamber has not had the opportunity to consider any impact of this on the flow of proceedings, nor to test it in a real-time situation that does not involve a court hearing.

5. Given the potential for disruption to the proceedings, the Registrar is ordered to provide submissions to the Trial Chamber on the technical and practical aspects of this initiative. A formal application to vary the Pre-Trial Judge's order is required.

6. Its introduction is therefore to be delayed pending the Trial Chamber's consideration of the application and submissions and testing the system.

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1 STL-11-01/I//PTJ, F0047, Decision on Languages in the Case of *Ayyash et al.*, 16 September 2011, para. 79.

2 Under Rule 38, it is composed of the President, Prosecutor, Head of Defence Office and the Registrar.

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

Leidschendam,  
The Netherlands  
2 October 2017

David Re

Judge David Re, Presiding

Janet Nosworthy

Judge Janet Nosworthy

Micheline Braidy

Judge Micheline Braidy

