



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:** 30 November 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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**DECISION ON THE ONEISSI DEFENCE'S APPLICATION FOR CLARIFICATION  
OF AN ORDER REGARDING TWO DOCUMENTS MARKED FOR  
IDENTIFICATION**

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**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 Dorothée 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 Trial Chamber, on 24 November 2017—to assist it in deciding the reliability and hence probative value of two documents—ordered the Defence of the Accused, Mr Hussein Hassan Oneissi, ‘to provide, by 1 December 2017, the statement(s) of the person(s) who created exhibits 4D357 MFI and 4D363 MFI’.<sup>1</sup> These are Defence call sequence tables of, respectively, a filtered landline call sequence table, ‘Filtered OTP ETC/CST/0123’, and a selection of calls of mobiles allegedly attributed to Oneissi family members.<sup>2</sup>

2. Defence counsel have sought clarification of the order, challenging why they should have to provide statements and, additionally, the Trial Chamber’s legal basis to make it. They argue that exhibit 4D357 MFI is an extract from a Prosecution call sequence table, which was produced by Prosecution analyst Ms Kei Kamei, whose witness statement is already in evidence,<sup>3</sup> and that exhibit 4D363 MFI is a selection of calls that the Prosecution does not consider as a call sequence table.<sup>4</sup>

3. The Party tendering a document bears the evidentiary onus of establishing its relevance and probative value under Rule 149 of the Special Tribunal’s Rules of Procedure and Evidence. The Trial Chamber may request verification of the authenticity of evidence obtained out of court, under Rule 149 (E). The order is clear and no clarification is required.

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

Leidschendam,  
The Netherlands  
30 November 2017

*David Re*

Judge David Re, Presiding

*Janet Nosworthy*

Judge Janet Nosworthy

*Micheline Braidy*

Judge Micheline Braidy



<sup>1</sup> STL-11-01/T/TC, *Prosecutor v. Ayyash, Merhi, Oneissi and Sabra*, F3427, Order to the Oneissi Defence Regarding Two Documents Sought for Admission into Evidence, 24 November 2017.

<sup>2</sup> F3419, Oneissi Defence Motion for the Admission into Evidence of Three Documents Marked for Identification, 21 November 2017.

<sup>3</sup> Ms Kamei’s statement of 14 January 2015 on the production of call sequence tables is exhibit P516.

<sup>4</sup> F3432, Oneissi Defence Request for Clarification Regarding the Trial Chamber Order of 24 November 2017, 27 November 2017.