



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:** 12 March 2018

**Original language:** English

**Classification:** Public

**THE PROSECUTOR**  
v.  
**SALIM JAMIL AYYASH**  
**HASSAN HABIB MERHI**  
**HUSSEIN HASSAN ONEISSI**  
**ASSAD HASSAN SABRA**

**ACKNOWLEDGEMENT OF RECEIPT OF EVIDENCE AND  
ORDER TO THE PROSECUTION**

**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 Youssef Khalil**Counsel for Mr Hussein Hassan Oneissi:**Mr Vincent Courcelle-Labrousse, Mr Yasser  
Hassan & Ms Natalie von Wistinghasser**Counsel for Mr Assad Hassan Sabra:**Mr David Young, Mr Geoffrey Roberts  
Ms Sarah Bafadhel

1. On 23 June 2015, the Prosecution sought the admission into evidence ‘from the bar table’, under Rule 154 of the Special Tribunal’s Rules of Procedure and Evidence, of 45 documents. The tendered documents comprise business records and business documents from two Lebanese mobile telecommunications service providers, Alfa and MTC/Touch.<sup>1</sup> Counsel for the Accused, Mr Assad Hassan Sabra and Mr Salim Jamil Ayyash, and counsel then acting for the former Accused, Mr Mustafa Amine Badreddine responded.<sup>2</sup>

2. In 2016, the Trial Chamber heard the testimony of two Alfa and MTC/Touch representatives, Witnesses PRH707 and PRH705,<sup>3</sup> and admitted into evidence selected paragraphs of and annexes to their written statements.<sup>4</sup> The Trial Chamber received into evidence the 45 documents through these witnesses. Specifically, it admitted into evidence 44 documents through Witness 707’s testimony or as parts of the witness’s statement of 11 November 2015,<sup>5</sup> and the remaining document as annex 13 to Witness 705’s statement of 16 December 2015.<sup>6</sup> Consequently, there is no need to render a decision on the Prosecution bar table motion.

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<sup>1</sup> STL-11-01/T/TC, *Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi and Sabra*, F2023, Prosecution Rule 154 Motion for the Admission of Business Records and Documents from Communications Service Providers, 23 June 2015 (‘Prosecution motion’) (public with confidential annexes A and B). The documents tendered for admission are listed in annex A – List of Rule 154 Exhibits (‘Annex A’).

<sup>2</sup> F2049, Consolidated Response to Prosecution Motions to Admit Cell Site Evidence, Business Records and Documents from Communication Service Providers, 6 July 2015; F2055, Response by the Ayyash Defence to “Prosecution Rule 154 Motion for the Admission of Business Records and Documents from Communication Service Providers”, 8 July 2015; F2058, Badreddine Defence Response to “Prosecution Rule 154 Motion for the Admission of Business Records and Documents from Communication Service Providers”, 8 July 2015.

<sup>3</sup> Witness PRH707 testified on 29 January, 9-12, 15-18 February, 18-19 April 2016. Witness 707 was cross-examined on 20-22 April, 3-4 May, 25 July 2016. Witness PRH705 testified on 5-6, 9-12 May, 19-20 July 2016. Witness 705 was cross-examined on 20-21 July 2016.

<sup>4</sup> Exhibits related to Witness 705’s written statements are exhibits P467, P815-P821, P825, P826-P826.26, P827, P830-P833, P1093-P1093.9, P1095, P1096, P1098. Exhibits related to Witness 707’s written statements are exhibits P770-P779, P783-P791, P797-P803, P1192-P1192.38, P1193, P1194-P1194.1.

<sup>5</sup> Annex A, items 1-2, 5 are exhibit P791. Annex A, items 3-4 were admitted into evidence as parts of exhibit P1192 (paras 142-143, 201-257). Witness 707 testified to these paragraphs on 19 April 2016. *See* transcript of hearing on 19 April 2016, pp 19-21, 25-26. Annex A, item 6 is exhibit P792 with a different ERN (evidence reference number or electronic registration number). *See* F2419, Notice of the Re-stamping of a Document Tendered in the “Prosecution Rule 154 Motion for the Admission of Business Records and Documents from Communication Service Providers”, dated 23 June 2015, 26 January 2016. Annex A, item 7 is exhibit P797 with a different ERN. (The document with the new ERN is ‘a better quality version’ of the same document. *See* transcript of hearing on 7 February 2018, pp 17-18.) Annex A, items 8-39 are exhibit P790. Annex A, item 41 is exhibit P785, item 42 is exhibit P789, item 43 is exhibit P786, item 44 is exhibit P788, item 45 is exhibit P787.

<sup>6</sup> Annex A, item 40 is now exhibit P1093.7 with a different ERN. *See* transcript of hearing on 10 October 2016, p. 57.

3. The Prosecution filed the annexes to its motion confidentially because they contain ‘private company related information’.<sup>7</sup> The Trial Chamber **orders** the Prosecution to file public redacted versions of these annexes if necessary or have them reclassified as public.

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

Leidschendam,  
The Netherlands  
12 March 2018

*David Re*

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Judge David Re, Presiding

*Janet Nosworthy*

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Judge Janet Nosworthy

*Micheline Braidy*

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Judge Micheline Braidy

<sup>7</sup> Prosecution motion, para. 31.

