



THE TRIAL CHAMBER

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: 29 January 2015

Original language: English

Classification: Public
THE PROSECUTOR
v.
SALIM JAMIL AYYASH
MUSTAFA AMINE BADREDDINE
HASSAN HABIB MERHI
HUSSEIN HASSAN ONEISSI
ASSAD HASSAN SABRA

ORDER REQUESTING FURTHER CLARIFICATIONS IN RELATION TO THE TESTIMONY OF WITNESSES PRH187 AND PRH188

Office of the Prosecutor:

Mr Norman Farrell, Mr Graeme Cameron
& Mr Alexander Milne

Victims' Legal Representatives:

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

Counsel for Mr Salim Jamil Ayyash:

Mr Eugene O'Sullivan, Mr Emile Aoun
& Mr Thomas Hannis

Counsel for Mr Mustafa Amine Badreddine:

Mr Antoine Korkmaz, Mr John Jones
& Mr Iain Edwards

Counsel for Mr Hassan Habib Merhi:

Mr Mohamed Aouini, Ms Dorothée Le Fraper
du Hellen & Mr Jad Khalil

Counsel for Mr Hussein Hassan Oneissi:

Mr Vincent Courcelle-Labrousse, Mr Yasser
Hassan & Mr Philippe Laroche

Counsel for Mr Assad Hassan Sabra:

Mr David Young, Mr Guénaël Mettraud
& Mr Geoffrey Roberts



1. On 17 December 2014, the Prosecution filed a motion requesting that expert witnesses PRH187 and PRH188 testify simultaneously.¹ Counsel for the Accused, Mr Salim Jamil Ayyash, Mr Mustafa Amine Badreddine and Mr Assad Hassan Sabra responded to the motion opposing it.² In its motion, the Prosecution did not refer to any international or national legislation, case-law or any other relevant material supporting its application. Counsel for Mr Badreddine and Mr Merhi have filed notices pursuant to Rule 161 of the Special Tribunal's Rules of Procedure and Evidence stating that they wish to cross-examine the two witnesses.³
2. To assist the Trial Chamber in reaching a reasoned decision on the motion, the Trial Chamber orders, by Monday 2 February 2015, at 17.00 hours, the Prosecution to file any supporting reference material, such as legislation, case-law, or any other source material relating to the practice of 'simultaneous testimony', in particular in criminal proceedings.
3. If necessary, the Trial Chamber will hear further oral submissions in its court session scheduled for Tuesday, 3 February 2015, including from counsel for Mr Badreddine and Mr Merhi on their points of contention with the two reports the subject of the Prosecution motion.

Leidschendam,
The Netherlands
29 January 2015

David Re

Judge David Re, Presiding

Janet Nosworthy

Judge Janet Nosworthy

Micheline Braidy

Judge Micheline Braidy

¹ STL-11-01/T/TC, *Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi, and Sabra*, F1794, Request to Call witnesses PRH187 and PRH188 Simultaneously, 17 December 2014.

² F1805, Response by the Ayyash Defence to the Prosecution Request to Call Witnesses PRH187 and PRH188 Simultaneously, 31 December 2014; F1804, Badreddine Defence Response to Prosecution's 'Request to Call Witnesses PRH187 and PRH188 Simultaneously', 31 December 2014; F1806, Sabra Response to Prosecution's 'Request to Call Witnesses PRH187 and PRH188 Simultaneously', 31 December 2014.

³ Badreddine Defence Response to "Updated Prosecution Notice of Expert Witnesses and their Statements", 4 March 2014, 4 April 2014, Annex, p. 12; Réponse de la défense de Merhi à la "Prosecution Motion Regarding Upcoming Expert Witnesses", 10 June 2014, para. 16.

