



The Pre-Trial Judge

Le Juge de la mise en état

المحكمة الخاصة بلبنان
SPECIAL TRIBUNAL FOR LEBANON
TRIBUNAL SPÉCIAL POUR LE LIBAN

THE PRE-TRIAL JUDGE

Case No.: **STL-11-01/PT/PTJ**
 The Pre-Trial Judge: **Mr Daniel Fransen**
 The Registrar: **Mr Herman von Hebel**
 Date: **7 February 2012**
 Original: **French**
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THE PROSECUTOR

v.

**SALIM JAMIL AYYASH,
 MUSTAFA AMINE BADREDDINE,
 HUSSEIN HASSAN ONEISSI &
 ASSAD HASSAN SABRA**

**ORDER RELATING TO THE DISCLOSURE OF THE DOCUMENTS REFERRED TO IN
 RULE 110 (A) OF THE RULES OF PROCEDURE AND EVIDENCE**

Office of the Prosecutor:
 Mr Daniel A. Bellemare, QC

Counsel for Mr Salim Jamil Ayyash:
 Mr Eugene O'Sullivan
 Mr Émile Aoun

Counsel for Mr Mustafa Amine Badreddine:
 Mr Antoine Korkmaz
 Mr John Jones

Counsel for Mr Hussein Hassan Oneissi:
 Mr Vincent Courcelle-Labrousse
 Mr Yasser Hassan

Counsel for Mr Assad Hassan Sabra:
 Mr David Young
 Mr Guénaël Mettraux



1. **CONSIDERING** that on 1 February 2012, the Trial Chamber of the Special Tribunal for Lebanon (the “Tribunal”) decided to initiate proceedings *in absentia* in accordance with Article 22 of the Statute and Rule 106 of the Rules of Procedure and Evidence (the “Rules”) against Mr Salim Jamil Ayyash, Mr Mustafa Amine Badreddine, Mr Hussein Hassan Oneissi and Mr Assad Hassan Sabra (the “Accused”);¹
2. **CONSIDERING** that on 2 February 2012, at the request of the Pre-Trial Judge in accordance with Rule 105 *bis* (B) of the Rules, the Head of Defence Office proceeded to assign counsel for the proceedings *in absentia* against the Accused;²
3. **CONSIDERING** that Rule 110 (A) of the Rules provides that “the Prosecutor shall make available to the Defence in a language which the accused understands, [...] within thirty days of the initial appearance of an accused, or within any other time-limit prescribed by the Pre-Trial Judge, copies of the supporting material which accompanied the indictment when confirmation was sought [...]”;
4. **CONSIDERING** that Rule 107 of the Rules stipulates that “[t]he rules on pre-trial, trial, and appellate proceedings shall apply *mutatis mutandis* to proceedings *in absentia*”;
5. **CONSIDERING** that, as the *in absentia* proceedings have been initiated in respect of all of the Accused, the Pre-Trial Judge stipulates, in so far as necessary, that the period for disclosure of all the documents provided for by Rule 110 (A) begins, in the case at hand, from the moment the counsel for the Accused have been assigned;
6. **CONSIDERING** that, having regard to the evidentiary materials subject of the Prosecution’s Application of 21 December 2011 for interim non-disclosure of the identity of

¹ STL, *The Prosecutor v. Ayyash et al.*, Case No.°STL-11-01/I/TC, Decision to hold trial *in absentia*, 1 February 2012.

² STL, *The Prosecutor v. Ayyash et al.*, Case No.° STL-11-01/I/PTJ, Assignment of Counsel for the proceedings held *in absentia* pursuant to Rule 106 of the Rules, 2 February 2012.

witnesses, on which he provisionally ruled on 24 January 2012,³ the Pre-Trial Judge states that they must be disclosed to defence counsel within 10 working days after “the appearance of the accused and/or defence counsel has been designated or assigned as duty counsel”⁴ for the purposes of *inter partes* discussion on the appropriateness of those measures (the “Order of 24 January 2012”);

FOR THESE REASONS;

THE PRE-TRIAL JUDGE,

Pursuant to Rules 107 and 110 (A) of the Rules,

ORDERS the Prosecution to file all the documents referred to in Rule 110 (A) of the Rules within 30 working days of the counsel for the Accused having been assigned, with the exception of the documents subject of the Order of 24 January 2012;

STATES that the documents subject of the Order of 24 January 2012 must be disclosed to counsel for the Accused within 10 working days of their being assigned.

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

Leidschendam, 7 February 2012

[stamp]

[signature]

Daniel Fransen
Pre-Trial Judge

³ STL, *The Prosecutor v. Ayyash et al.*, Case No.° STL-11-01/1/PTJ, Provisional Order on the Prosecution's Application of 21 December 2011 Filed Pursuant to Rules 115, 116 and 133 of the Rules of Procedure and Evidence, 24 January 2012.

⁴ *Idem.*

