

**BEFORE THE TRIAL CHAMBER**

**Case No.:** STL-11-01/PT/TC

**Before:** Judge Robert Roth, Presiding  
Judge Micheline Braidy  
Judge David Re  
Judge Janet Nosworthy, Alternate Judge  
Judge Walid Akoum, Alternate Judge

**Registrar:** Mr. Herman von Hebel

**Date:** 21 June 2012

**Original language:** English

**Type of document:** Public with Public & Confidential Annexes

**THE PROSECUTOR**

v.

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

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**ORDER ON *EX-PARTE* DOCUMENTS USED IN DECISION OF 1  
FEBRUARY 2012**

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**Office of the Prosecutor:**  
Mr. Norman Farrell

**Counsel for Mr. Salim Jamil Ayyash:**  
Mr. Eugene O'Sullivan  
Mr. Emile Aoun

**Head of the Defence Office:**  
Mr. François Roux

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

**Legal Representatives of  
Participating Victims:**  
Mr. Peter Haynes  
Mr. Mohammad F. Mattar  
Ms. Nada Abdelsater-Abusamra

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

**Counsel for Mr. Assad Hassan Sabra:**  
Mr. David Young  
Mr. Guénaél Mettraux





1. Defence counsel have requested access to *ex-parte* material used by the Trial Chamber in its decision of 1 February 2012 to try the four Accused Salim Jamil Ayyash, Mustafa Amine Badreddine, Hussein Hassan Oneissi, and Assad Hassan Sabra *in absentia*.<sup>1</sup>
2. In a hearing on 14 June 2012, the Trial Chamber issued a decision granting the request, subject to redacting identifying information,<sup>2</sup> and ordered Defence counsel to file any joint supplementary submission relating to this material, limited to 2,000 words, within three days of receiving the documents.<sup>3</sup> The Trial Chamber allowed the Prosecution to respond and the Legal Representative for Victims to file observations, both confined to 2,000 words, within two days of the filing of any joint Defence submission.
3. The *ex-parte* documents are listed in a consolidated form in Annex A.<sup>4</sup> Annex B is a CD-ROM containing the documents. The Registry will provide it to Defence counsel. The Trial Chamber reminds Defence counsel that these documents are subject to the protective measures ordered by the Pre-Trial Judge on 25 May 2012.<sup>5</sup>

**FOR THESE REASONS, the Trial Chamber:**

- (i) **INSTRUCTS** the Registry to disclose to Defence counsel the CD-ROM containing the documents listed in Annex A on Thursday 21 June 2012;
- (ii) **ORDERS** Defence counsel to file any joint supplementary submission, by 16:00 on Tuesday 26 June 2012; and

<sup>1</sup> TSL, *Le Procureur c Ayyash, Badreddine, Oneissi et Sabra*, Affaire n° STL-11-01/PT/TC, Requête de la Défense de M. Badreddine aux fins de réexamen de la « Décision portant ouverture d'une procédure par défaut » rendue par la Chambre de première instance le 1<sup>er</sup> février 2012, 22 mai 2012, para. 4; Sabra Motion for Reconsideration of the Trial Chamber's Order to Hold a Trial In Absentia, 23 May 2012, para. 2; Demande de la défense de M. Oneissi en réexamen de la décision d'ouverture d'une procédure par défaut du 1<sup>er</sup> février 2012, 24 mai 2012, para. 3; Ayyash Motion Joining Sabra Motion for Reconsideration of the Trial Chamber's Order to Hold a Trial In Absentia, 24 May 2012, para. 4.

<sup>2</sup> The redactions consist of removing the names of individuals where appropriate to protect privacy of individuals, or the integrity of any ongoing investigations.

<sup>3</sup> Case No. STL-11-01, Transcript, 14 June 2012, pp. 45-46.

<sup>4</sup> The Corrigendum to Filing #106 shows that duplicated documents were later corrected.

<sup>5</sup> Affaire n° STL-11-01/PT/PTJ, Décision relative à la requête du Procureur sollicitant des mesures de non-diffusion de pièces du 2 mai 2012, 25 mai 2012.



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- (iii) **ORDERS** the Prosecution and the Legal Representative for Victims to file any response and observations by 16:00 on Thursday, 28 June 2012.

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

21 June 2012,  
Leidschendam,  
The Netherlands

Judge Robert Roth, Presiding

Judge Micheline Braidy

Judge David Re

