

**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**

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

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*.¹
2. In a hearing on 14 June 2012, the Trial Chamber issued a decision granting the request, subject to redacting identifying information,² 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.³ 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.⁴ 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 2012.⁵

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

¹ 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^{er} 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^{er} 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.

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

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

⁴ The Corrigendum to Filing #106 shows that duplicated documents were later corrected.

⁵ 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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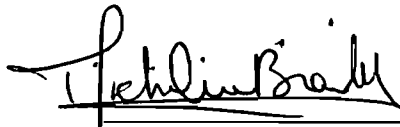
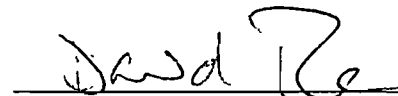
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- (iii) **ORDERS** the Prosecution and the Legal Representative for Victims to file any response and observations by 16:00 on Thursday, 28 June 2012.

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