



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

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: 13 July 2012
Original language: French
Classification: Public

THE PROSECUTOR

v.

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

**PUBLIC REPORT OF THE PRE-TRIAL CONFERENCE
HELD IN CLOSED SESSION ON 12 JUNE 2012**

Office of the Prosecutor:
Mr Norman Farrell

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

Victims' Legal Representative:
Mr Peter Haynes

Counsel for Mr Mustafa Amine Badreddine:
Mr Antoine Korkmaz

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

Counsel for Mr Assad Hassan Sabra:
Mr David Young



**Public record of the Pre-Trial Conference held in closed session on 12 June 2012****Ayyash et al. case****Participants:**

Mr Daniel Fransen, Pre-Trial Judge
Mr Jérôme de Hemptinne, Senior Legal Officer, Pre-Trial Section
Ms Alice Leroy, Legal Officer, Pre-Trial Section
Mr Christopher Black, Legal Officer, Pre-Trial Section
Ms Floriane Echegut, Intern, Pre-Trial Section
Mr Iain Morley, Senior Trial Counsel, Office of the Prosecutor
Mr Gregory Townsend, Senior Legal Officer, Office of the Prosecutor
Ms Maja Dimitrova, Case Manager, Office of the Prosecutor
Mr Eugene O'Sullivan, Counsel for Mr Salim Jamil Ayyash
Mr Emile Aoun, Co-counsel for Mr Salim Jamil Ayyash
Ms Deirdre Montgomery, Legal Officer
Mr Chad Mair, Case Manager
Mr Antoine Korkmaz, Counsel for Mr Mustafa Amine Badreddine
Ms Pauline Baranes, Legal Officer
Ms Sarah Codde, Case Manager
Ms Anne-Sophie Leclerc, Intern
Ms Lucia Sipala, Intern
Mr Vincent Courcelle-Labrousse, Counsel for Mr Hussein Hassan Oneissi
Ms Maud Sarlieve, Legal Officer
Mr Daniel Mwhia Mburu, Case Manager
Mr Jacopo Rossi, Intern
Mr Fabrice Bousquet, Intern
Mr David Young, Counsel for Mr Assad Hassan Sabra
Mr Guenaël Mettraux, Co-counsel for Mr Assad Hassan Sabra
Mr Geoffrey Roberts, Legal Officer
Mr Eric Tully, Case Manager
Mr Julien Maton, Intern
Ms Héleyn Unac, Chief of the Legal Advisory Section, Defence Office
Mr Joeri Maas, Chef de Cabinet, Defence Office
Mr Peter Haynes, Victims' Legal Representative
Ms Megan Hirst, Legal Officer, Victims' Participation Unit
Ms Rachel Irura, Court Officer, Court Management Services Section

Date and place:

* The content of this record was approved by the participants at the Pre-Trial Conference
Case No.: STL-11-01/PT/PTJ

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SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

12 June 2012 at 14.30, the courtroom

Report:

During the Pre-Trial Conference, the following points were addressed:

1. The disclosure of materials filed in support of the Indictment to Counsel for the Defence:

- The Prosecution stated that it had disclosed, on 4 and 5 June 2012, in their entirety, the materials filed in support of the Indictment, with the exception of four reports for which redactions had been maintained.
- Counsel for the Defence:
 - o mentioned the present failure to disclose, on the part of the Prosecution, materials and documents referred to, notably, in Rules 88 (F), 110 (A) (ii) and (B), as well as 113 of the Rules;
 - o expressed their concerns as to the temporary character of the expert reports of the Prosecution and their difficulties in undertaking investigations on the basis of such reports;
 - o referred to the difficulties linked to inspecting certain documents; and
 - o sought to obtain the indexes listed in support of the documents that have been disclosed to them in order to facilitate their analytical work.
- The Representative from the Office of the Prosecutor replied that it intended:
 - o to disclose exculpatory evidence as soon as possible in order to fulfill its obligation; he pointed out however in this respect that it would be useful were Counsel for the Defence to assist in identifying the necessary documents;
 - o to disclose the documents mentioned in Rule 110 (A) (ii) of the Rules, once the list of Prosecution witnesses is completed;
 - o to disclose the documents mentioned in Rule 88 (F) of the Rules, within a time limit of four weeks;



- o to submit to Counsel for the Defence other expert reports and update those that have already been disclosed; and
- o await the decision of the Pre-Trial Judge relating to its request of 5 June 2012.
- The Pre-Trial Judge:
 - o pointed out that the obligations to disclose must be discharged in the coming weeks, failing which he will set strict deadlines;
 - o stated that the decision relating to the Prosecution request of 5 June 2012 would be delivered within the next few days, given that the time limit for the Defence response expired on 11 June 2012;
 - o gave the Parties 10 days starting from the decision relating to the Prosecution request of 5 June 2012 to consult with each other regarding matters of disclosure; and
 - o invited the Parties to seize him of any difficulties encountered regarding disclosure at the end of that consultation.

2. The state of the investigations of the Prosecution and the Defence:

- Counsel for the Defence pointed out:
 - o that the disclosure problems referred to might have an impact on the conduct of the investigations;
 - o that they have encountered difficulties with regard to cooperation linked to requests for assistance addressed to States or international organisations;
 - o that they intend to seize the Pre-Trial Judge with matters of cooperation if that should prove to be necessary; and
 - o that, for considerations relating notably to costs, they had jointly chosen an expert in telephony whose report they were expecting to be delivered within the coming months.

3. The participation of victims in the proceedings:

- The Victims' Legal Representative stated:



- o that he intended meeting in person the victims he represents, given that the victims have the right to reject him;
 - o that he will be able to disclose the identity of the victims to the Parties within a time frame of two to three months; and
 - o that there were difficulties connected to his current lack of immunity in Lebanon.
- The Representative of the Victims' Participation Unit indicated:
 - o that measures were ongoing to allow persons whose status of victim participating in the proceedings had not been recognised to complete their files with a view to resubmitting their request; and
 - o that the Pre-Trial Judge should receive those requests during the month of July.
 - The Pre-Trial Judge:
 - o took note of the time frame of two to three months mentioned by the Victims' Legal Representative, while emphasising the need to attempt to reduce it; and
 - o recalled that if the Victims' Legal Representative wished to request anonymity for the victims or other protective measures, it was appropriate that he do so as soon as possible.

4. Setting the procedures and schedule for discussions between the Parties relating to their points of agreement and disagreement:

- The Pre-Trial Judge invited the Parties to meet each other in order to discuss any points of agreement and disagreement, in accordance with Rule 91 (A) of the Rules.

5. Setting a tentative date for the start of proceedings:

- The Pre-Trial Judge recalled that it is incumbent upon him, in accordance with the Rules, to set a date for the start of the proceedings, while emphasising that it was tentative in nature.
- As the Indictment currently stands, the Prosecution indicated that it could be ready to start the proceedings at the end of 2012.



- Counsel for the Defence pointed out that they would not be ready before the autumn of 2013 on account of the difficulties encountered with regard to the investigation, the disclosure of evidence and the nature of *in absentia* trials, which does not permit them to take instructions from the accused.
- The Pre-Trial Judge took due note of the submissions of the Parties and of the proposed dates.

6. The possible amendment of the Indictment:

- The Prosecution provided some information regarding a possible amendment of the Indictment.

7. Setting the date for the next Pre-Trial Conference:

- The Pre-Trial Judge suggested holding the next Pre-Trial Conference at the beginning of July.
- The Parties and the Victims' Legal Representative suggested that it be held later.
- The Pre-Trial Judge stated that he would decide on the date at a later time.

[signature]

Daniel Fransen
Pre-Trial Judge

13 July 2012