



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

**BEFORE THE TRIAL CHAMBER**

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

**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:** 1 August 2012

**Original language:** English

**Type of document:** Public

**THE PROSECUTOR**

v.

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

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**DECISION ON REQUEST FOR LEAVE TO REPLY TO PROSECUTION'S  
 RESPONSE TO CHALLENGES TO THE FORM OF THE INDICTMENT**

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

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

**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. Guénaël Mettraux





1. Counsel for Mr. Mustafa Amine Badreddine, Mr. Hussein Hassan Oneissi and Mr. Assad Hassan Sabra, on 25 June 2012, filed motions under Rule 90 (A) (ii) of the Special Tribunal's Rules of Procedure and Evidence alleging defects in the form of the indictment against the four Accused.<sup>1</sup> On 25 July 2012, the Prosecution filed a consolidated response opposing the motions.<sup>2</sup>
2. On 27 July 2012 counsel for Mr. Badreddine sought leave to reply to the Prosecution's response,<sup>3</sup> submitting that the response had added two additional matters to which, in the interests of justice, a reply should be allowed. Defence counsel also request the Trial Chamber to lift the confidential and *ex-parte* status of Annex A of the response.
3. The Trial Chamber will allow counsel for Mr. Badreddine and counsel for any other Accused to submit a joint reply to the Prosecution's response by 21 August 2012. The Trial Chamber will not, for the moment, lift the confidential and *ex-parte* status of Annex A and will not do so without hearing from the Prosecution.

<sup>1</sup> STL, *Prosecutor v. Ayyash, Badreddine, Oneissi and Sabra*, Case No. STL-11-01/PT/TC, Exception préjudicielle présentée par la défense de M. Mustafa Amine Badreddine sur le fondement de l'article 90-A-ii du Règlement de procédure et de preuve, 25 juin 2012; The Defence for Hussein Hassan Oneissi Preliminary Motion on Defects in the Form of the Indictment, 25 June 2012; Sabra's Preliminary Motion Challenging the form of the Indictment, 25 June 2012.

<sup>2</sup> STL-11-01/PT/TC, Prosecution Consolidated Response to the Defence Motions Alleging Defects in the Form of the Indictment, 25 July 2012.

<sup>3</sup> STL-11-01/PT/TC, Requête de la Défense de M. Badreddine sollicitant l'autorisation de déposer une réplique à « Prosecution Consolidated Response to the Defence Motions Alleging Defects in the Form of the Indictment », 27 juillet 2012.



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**FOR THESE REASONS** the Trial Chamber:

- (i) **ALLOWS** counsel for Mr. Badreddine and any other Accused to file a joint reply to the Prosecution's response by 21 August 2012; and
- (ii) **REJECTS** the request to lift the confidential and *ex-parte* status of Annex A of the Prosecution's response.

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


1 August 2012,  
Leidschendam,  
The Netherlands



Judge Robert Roth, Presiding



Judge Micheline Braidy



Judge David Re

