



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: **Judge Daniel Fransen**

The Registrar: **Mr Herman von Hebel**

Date: **8 August 2012**

Original language: **English**

Classification: **Public**

THE PROSECUTOR

v.

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

DECISION ON DUTY LEGAL REPRESENTATIVE'S REQUEST FOR ACCESS TO CONFIDENTIAL SUBMISSIONS AND EXTENSION OF TIME

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

Duty Legal Representative for V027, V028
Mr Christopher Gosnell

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

Counsel for Mr Assad Hassan Sabra:
Mr David Young



1. In this decision, the Pre-Trial Judge responds to the request from the Duty Legal Representative for access to a portion of confidential submission by the Victims' Participation Unit for the purpose of seeking a review of the Registrar's designation of the victims' lead legal representative.

2. On 27 April 2012, the Victims' Participation Unit ("VPU") filed confidential and *ex parte* submissions containing its observations on the grouping of victims authorised to participate in the proceedings and their common legal representation.¹

3. On 8 May 2012, the Pre-Trial Judge issued a Decision on Victims' Participation in the Proceedings.² The Pre-Trial Judge, noting the VPU Observations, decided that all victims participating in the proceedings be grouped in one group, and ordered the Registrar to designate a legal representative to represent the group.³ Consequently, on 16 May 2012, the Registrar designated one Lead Legal Representative and two Co-Legal Representatives to represent the group of participating victims.⁴

4. Having been notified on 5 July 2012 of the Registrar's Decision on Designation, Victim 027 ("V027") expressed his intention to seek a review thereof,⁵ pursuant to Article 22 of the Directive on Victims' Legal Representation.⁶

5. On 19 July 2012, upon being notified of the Registrar's Designation, Victim V028 also indicated that she wished to seek review of the designation of the Lead Legal Representative, pursuant to Article 22 of the Directive.⁷

6. On 19 July 2012, the Registrar designated a Duty Legal Representative for V027 for the purpose of seeking review of the Registrar's designation of a Lead Legal Representative.⁸

¹ STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PTJ, *Observations de la section de participation des victimes sur la répartition des victimes*, 27 April 2012 (the "VPU Observations").

² STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PTJ, Decision on Victims' Participation in the Proceedings, 8 May 2012 (the "Decision on Victims' Participation").

³ *Id.*, paras 127-128.

⁴ STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PTJ, Designation of Victims' Legal Representatives, 16 May 2012 (the "Registrar's Decision on Designation").

⁵ STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PTJ, Designation of Duty Legal Representative for Victim 027, 19 July 2012, para. 4.

⁶ Directive on Victim' Legal Representation, STL/BD/2012/04, adopted on 4 May 2012 (the "Directive").

⁷ STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PTJ, Designation of Duty Legal Representative for Victim 028, 25 July 2012, para. 7.

⁸ STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PTJ, Designation of Duty Legal Representative for Victim 027, 19 July 2012.

On 25 July 2012, the Registrar appointed the same Duty Legal Representative to Victim 028 (“V028”) for the same purpose.⁹

7. On 25 July 2012, the Duty Legal Representative filed a request seeking an extension of time and an authorisation to file the motion for review of V027 and V028 jointly.¹⁰ On 27 July 2012, the Pre-Trial Judge granted both requests. He authorised the Duty Legal Representative to make a joint submission as regards the designation of the Lead Legal Representative, and ordered him to file the joint submission by 9 August 2012.¹¹

8. On 7 August 2012, the Duty Legal Representative filed a request for access to a portion of the VPU Observations.¹² In the request, he submits that the portions of the VPU Observations that are mentioned in the Decision on Victims’ Participation suggest that the content of the Observations may be relevant for the preparation of the motion for review of the Registrar’s Decision on Designation.¹³

9. The Pre-Trial Judge considers that adequate preparation for the motion of review requires an examination of the VPU Observations. The Pre-Trial Judge therefore grants the Duty Legal Representative’s request for access to the VPU Observations and orders the Registrar to provide him with a full copy of that document.

10. As regards the confidentiality of the requested documents, the Pre-Trial Judge stresses that the documents shall only be used by the Duty Legal Representative solely for the purpose of his designation pursuant to Article 18 of the Directive, and shall be kept confidential at all times.

11. Furthermore, and in light of the foregoing, the Pre-Trial Judge, *proprio motu* and pursuant to Rule 9(A) of the Rules, decides that it would be appropriate to amend its Decision of 27 July 2012 and extend the time within which the Duty Legal Representative is to file a request for review of the Registrar’s Decision on Designation to 13 August 2012.

⁹ STL, *Prosecutor v. Ayyash et al*, Case No. STL-11-01/PT/PTJ, Designation of Duty Legal Representative for Victim 028, 25 July 2012.

¹⁰ STL, *Prosecutor v. Ayyash et al*, Case No. STL-11-01/PT/PTJ, Request for Extension of Time and Joinder, 25 July 2012, paras 4 and 6.

¹¹ STL, *Prosecutor v. Ayyash et al*, Case No. STL-11-01/PT/PTJ, Decision on Duty Legal Representative’s Request for Extension of Time and Joinder, 27 July 2012, para 7.

¹² STL, *Prosecutor v. Ayyash et al*, Case No. STL-11-01/PT/PTJ, Request for Access to a Portion of Confidential Submission by the Victims’ Participation Unit, 7 August 2012, (the “Request of 7 August 2012”).

¹³ *Id.*, paras 1-2.

FOR THESE REASONS,

THE PRE-TRIAL JUDGE,

PURSUANT TO Rules 9(A) and 77(A) of the Rules,

AUTHORISES the Duty Legal Representative to have access to the confidential Observations of the Victims' Participation Unit of 27 April 2012;

ORDERS the Registrar to provide the Duty Legal Representative with Observations of the Victims' Participation Unit of 27 April 2012 by 9 August 2012 at the latest; and

GRANTS the Duty Legal Representative an extension of time to file a motion for review of the Registrar's Decision on Designation until 13 August 2012.

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

Leidschendam, 8 August 2012



Daniel Fransen
Pre-Trial Judge

