



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE APPEALS CHAMBER

Case No.: STL-11-01/PT/AC/AR126.1

Before: Judge David Baragwanath, Presiding
Judge Ralph Riachy
Judge Afif Chamseddine
Judge Daniel David Ntanda Nsereko, Judge Rapporteur
Judge Kjell Erik Björnberg

Registrar: Mr Herman von Hebel

Date: 6 November 2012

Original language: English

Classification: Public

THE PROSECUTOR

v.

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

CORRIGENDUM TO DECISION ON DEFENCE APPEALS AGAINST TRIAL CHAMBER'S DECISION ON RECONSIDERATION OF THE TRIAL IN ABSENTIA DECISION

Prosecutor:
Mr Norman Farrell

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

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

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

Head of Defence Office:
Mr François Roux

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





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We have noted a clerical error in paragraph 30 of our “Decision on Defence Appeals Against Trial Chamber’s Decision on Reconsideration of the Trial *In Absentia* Decision” of 1 November 2012, which requires correction.

FOR THIS REASON;

THE APPEALS CHAMBER;

ORDERS that paragraph 30 shall read as follows:

Moreover, the required knowledge is not limited to the charges in the indictment. Rather, it must also relate to the consequences resulting from the accused’s failure to appear.¹

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

Dated 6 November 2012,

Leidschendam, the Netherlands

Judge David Baragwanath
Presiding



¹ *Sejdovic v. Italy*, para. 87 (holding that “before an accused can be said to have implicitly, through his conduct, waived an important right under Article 6 of the Convention, it must be shown that he could reasonably have foreseen what the consequences of his conduct would be”); *Dembukov v. Bulgaria*, para. 48; see also ECtHR, *Jones v UK*, App. No. 30900/02, Decision on Admissibility, 9 September 2003. It should be noted that the guaranteed right to a retrial, notwithstanding whether the accused knew about the proceedings available at this Tribunal, provides an additional safeguard of the rights of the accused to that existing in some of the domestic jurisdictions to which the ECtHR cases relate.