

**THE TRIAL CHAMBER**

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

The Trial Chamber: **Judge Robert Roth, Presiding
Judge Micheline Braidy
Judge David Re
Judge Janet Nosworthy, Alternate Judge
Judge Walid Akoum, Alternate Judge**

The Registrar: **Mr. Herman von Hebel**

Date: **5 December 2012**

Original language: **English**

Classification: **Public**

THE PROSECUTOR

v.

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

**DECISION ON SABRA'S SECOND PRELIMINARY MOTION CHALLENGING
THE FORM OF THE INDICTMENT**

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

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

**Victims' Legal Representative:
Mr. Peter Haynes**

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

**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. On 17 August 2012, the Prosecution filed a confidential request before the Pre-Trial Judge for leave to amend the confirmed indictment pursuant to Rule 71 (A) (ii).¹ On 7 September 2012, Counsel for the defence of the Accused filed a joint response.²
2. On 12 September 2012, the Trial Chamber deferred ruling on the Defence motions alleging defects in the form of the Indictment, until the Pre-Trial Judge had ruled on the Prosecution Request seeking leave to amend the indictment.³ On 20 September 2012, the Prosecution replied to the Response.⁴
3. On 25 October 2012, the Pre-Trial Judge granted leave to amend the confirmed indictment,⁵ inviting the Prosecution to file a new indictment incorporating some changes specified at paragraphs 35 and 36 of his Decision. The Prosecution duly filed, confidentially, the amended indictment with the changes ordered by the Pre-Trial Judge and it also sought authorisation to make two clarifications.⁶ On 26 November 2012, Counsel for Assad Hassan Sabra filed a Second Preliminary Motion Challenging the Form of the Indictment.⁷
4. The Pre-Trial Judge has not yet ruled on the Prosecution's request for authorisation to make two clarifications to the amended indictment submitted on 9 November 2012. The Trial Chamber will therefore defer consideration of Sabra's second motion challenging the form of the indictment, until the Pre-Trial Judge has issued a final decision on the clarifications sought.

¹ STL, *The Prosecutor v Ayyash, Badreddine, Oneissi, and Sabra*, STL-11-01/PT/PTJ, Prosecution Request for Leave to Amend the Indictment pursuant to Rule 71 (A)(ii), 17 August 2012

² STL, *The Prosecutor v Ayyash, Badreddine, Oneissi, and Sabra*, STL-11-01/PT/PTJ, Joint Response to Prosecution Request for Leave to Amend the Indictment, 7 September 2012

³ STL, *The Prosecutor v Ayyash, Badreddine, Oneissi, and Sabra*, STL-11-01/PT/TC, Interim Decision on Alleged Defects in the Form of Indictment, 12 September 2012.

⁴ STL, *The Prosecutor v Ayyash, Badreddine, Oneissi, and Sabra*, STL-11-01/PT/PTJ, Prosecution Reply to the "Joint Response to Prosecution Request for Leave to Amend the Indictment", 20 September 2012

⁵ STL, *The Prosecutor v Ayyash, Badreddine, Oneissi, and Sabra*, STL-11-01/PT/PTJ, Decision on the Prosecution Request of 17 August 2012 for Leave to File an Amended Indictment, 25 October 2012

⁶ STL, *The Prosecutor v Ayyash, Badreddine, Oneissi, and Sabra*, STL-11-01/PT/PTJ, Filing of the Amended Indictment in Compliance with the Decision of 25 October 2012 and Request for Amended Arrest Warrants and Orders/Requests for Transfer and Detention, 8 November 2012 (filed 9 November 2012), paras 7 - 8.

⁷ STL, *The Prosecutor v Ayyash, Badreddine, Oneissi, and Sabra*, STL-11-01/PT/TC, Sabra's Second Preliminary Motion Challenging the Form of the Indictment, 26 November 2012.



SPECIAL TRIBUNAL FOR LEBANON

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FOR THESE REASONS, the Trial Chamber defers its consideration of Sabra's motion, pending a final decision by the Pre-Trial Judge on the amended indictment filed on 9 November 2012.

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

Leidschendam, 5 December 2012

Handwritten signature of Judge Robert Roth in black ink.

Judge Robert Roth, Presiding

Handwritten signature of Judge Micheline Braidy in black ink.

Judge Micheline Braidy

Handwritten signature of Judge David Re in black ink.

Judge David Re

