

**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.



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

Judge Robert Roth, Presiding

Judge Micheline Braidy

Judge David Re

