



THE PRE-TRIAL JUDGE

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

The Pre-Trial Judge: **Mr Daniel Franssen**

The Registrar: **Mr Herman von Hebel**

Date: **19 December 2012**

Original language: **French**

Classification: **Public**

THE PROSECUTOR

v.

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

**DECISION RELATING TO THE REQUEST OF THE LEGAL REPRESENTATIVE OF
VICTIMS TO AUTHORISE TWO VICTIMS TO WITHDRAW THEIR
PARTICIPATION**

Office of the Prosecutor:
Mr Norman Farrell

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

Legal Representative of Victims:
Mr Peter Haynes

Counsel for Mr Mustafa Amine Badreddine:
Mr Antoine Korkmaz

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

Counsel for Mr Assad Hassan Sabra:
Mr David Young



I. Subject of the decision

1. By way of the present decision, the Pre-Trial Judge rules on the request of the Legal Representative of Victims of 1 November 2012 to authorise two victims participating in the proceedings – referred to under the pseudonyms V064 and V065 – to withdraw their participation in the proceedings (the “Request”).¹

II. Background to the proceedings

2. On 8 May 2012, the Pre-Trial Judge authorised victims V064 and V065 to participate in the proceedings.²

3. On 31 October and 1 November 2012, those victims informed the Legal Representative of Victims and the Head of the Victims’ Participation Unit of their wish to withdraw their participation in the proceedings.³

4. On 1 November 2012, the Legal Representative of Victims filed the Request on behalf of victims V064 and V065, requesting their withdrawal from the proceedings.

III. Statement of reasons

5. Although the Rules of Procedure and Evidence (the “Rules”) do not expressly provide for the possibility for a victim authorised to participate in the proceedings to withdraw their participation, that victim cannot nonetheless be obliged to continue to take part in proceedings in which they no longer wish to do so. However, before taking formal note of such, it must be ensured that the request for withdrawal formulated by the victim in question is a voluntary one, and was made with full knowledge of the facts.

6. On that basis, the Pre-Trial Judge notes that the requests for withdrawal of victims V064 and V065 have been filed by the Legal Representative of Victims, on their behalf. He also notes that those requests have been formulated to both the Legal Representative of Victims and to the Head of the Victims’ Participation Unit. Lastly, he notes that the Request is accompanied for one

¹ STL, *The Prosecutor v. Ayyash et al.*, Case no. STL-11-01/PT/PTJ, Request of the Legal Representative of Victims on Behalf of Two Participating Victims that They Be Permitted to Withdraw from the Proceedings, 1 November 2012.

² STL, *The Prosecutor v. Ayyash et al.*, Case no. STL-11-01/PT/PTJ, Decision on Victims’ Participation in the Proceedings, 8 May 2012.

³ Request, para. 3.

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victim by a signed statement and for the other by an e-mail, which unequivocally state the victims' wish to withdraw their participation in the proceedings. Furthermore, the Pre-Trial Judge considers that, as he formulated the requests for withdrawal on behalf of the victims, the Legal Representative of Victims shall have satisfied himself beforehand that they acted with full knowledge of the facts.

7. The Pre-Trial Judge points out that, even if they no longer participate in the proceedings, victims V064 and V065 are obliged to respect the obligations of confidentiality incumbent upon them pursuant to the decisions of 25 May⁴ and 14 June 2012.⁵

IV. Disposition

FOR THESE REASONS,

Pursuant to Rules 77 (A) and 86 of the Rules,

THE PRE-TRIAL JUDGE,

TAKES NOTE of the withdrawal of victims V064 and V065 from participating in the proceedings; and

ORDERS the Legal Representative of Victims to remind victims V064 and V065 that the obligations of confidentiality incumbent upon them pursuant to the decisions of 25 May and 14 June 2012 remain, as well as the sanctions provided for in the event of violation thereof.

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

Leidschendam, 19 December 2012

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[signature]

Daniel Fransen
Pre-Trial Judge



⁴ STL, *The Prosecutor v. Ayyash et al.*, Case no. STL-11-01/PT/PTJ, Decision Relating to the Prosecution Request Seeking Measures for the Non-Dissemination of Material of 2 May 2012, 25 May 2012.

⁵ STL, *The Prosecutor v. Ayyash et al.*, Case no. STL-11-01/PT/PTJ, Decision Authorising the Withdrawal of the Prosecution Application of 21 December 2011 and the Modification of the Application of 15 March 2012, Protective Measures for Witnesses, 14 June 2012.