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STL-11-01/PT/PTJ F0611/20121220/R133886-R133888/FR-EN/nc

R133886

SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE PRE-TRIAL JUDGE

STL-11-01/PT/PTJ

Mr Daniel Fransen

19 December 2012

Mr Herman von Hebel

Case No.:

The Pre-Trial Judge:

The Registrar:

Date:

French

Original language:

Classification:

Public

THE PROSECUTOR

ν.

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

Legal Representative of Victims: Mr Peter Haynes Counsel for Mr Salim Jamil Ayyash: Mr Eugene O'Sullivan

Counsel for Mr Mustafa Amine Badreddine: Mr Antoine Korkmaz

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

Counsel for Mr Assad Hassan Sab Mr David Young



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I. <u>Subject of the decision</u>

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. <u>Statement of reasons</u>

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

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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.

PUBLIC

R133888

STL-11-01/PT/PTJ F0611/20121220/R133886-R133888/FR-EN/nc

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.

The Pre-Trial Judge points out that, even if they no longer participate in the proceedings, 7. victims V064 and V065 are obliged to respect the obligations of confidentiality incumbent upon them pursuant to the decisions of 25 Mav^4 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

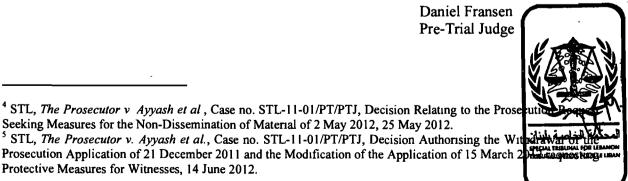
ORDERS the Legal Representative of Victims to remind victims V064 and V065 that the obligations of confidentiality incumbent upon them pursuant to the decisions of 25 May and 14 June 2012 remain, as well as the sanctions provided for in the event of violation thereof.

Done in English, Arabic and French, the French version being authoritative. Leidschendam, 19 December 2012

[stamp]

[signature]

Daniel Fransen Pre-Trial Judge



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 Wit

Prosecution Application of 21 December 2011 and the Modification of the Application of 15 March 2 Protective Measures for Witnesses, 14 June 2012.

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

Page 3 of 3

19 December 2012

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