



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE PRE-TRIAL JUDGE

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

The Pre-Trial Judge: **Judge Daniel Fransen**

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

Date: **15 January 2013**

Original language: **English**

Classification: **Public**

THE PROSECUTOR

v.

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

**DECISION ON LEGAL REPRESENTATIVE OF VICTIMS' MOTION FOR AN
EXTENSION OF THE DEADLINE FOR DISCLOSING THE IDENTITY OF V029**

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



1. The Pre-Trial Judge is seized of a motion on behalf of the Legal Representative of Victims (the “LRV”) for an extension of the deadline for disclosing the identity of V029, from 11 January 2013 to 15 January 2013.¹

2. In a decision of 28 November 2012, the Pre-Trial Judge granted V029 the status of victim participating in the proceedings (“VPP”), and held that withholding the application and identity of V029 was justified in order to allow him to seek protective measures pursuant to Rule 133 of the Rules of Procedure and Evidence (the “Rules”), should he wish to do so.² In the same decision, the Pre-Trial Judge ordered the LRV to submit to the Pre-Trial Judge, by 11 January 2013, any request for appropriate measures considered necessary to ensure the privacy and protection of V029, together with a risk assessment carried out by the Victims and Witnesses Unit.³

3. In the Motion, the LRV advised that notification prior to this date has not been possible due to a combination of logistical and personal reasons, and that the Victim Participation Unit (“VPU”) would notify V029 of his VPP status on 14 January 2013.⁴ Furthermore, the LRV submitted that the Parties would not have any objection to this short extension of time.⁵

4. On 14 January 2013, the LRV filed his fourth notice, publicly disclosing the identity of V029.⁶ Following the LRV’s review of V029’s initial application and the statements made on the occasion of his notification of his VPP status, the LRV is of the view that the identity of V029 can be re-classified as public and that a risk assessment is unnecessary.⁷

5. Rule 9(A) of the Rules provides that the Pre-Trial Judge may — or on good cause being shown by motion — enlarge or reduce any time prescribed by the Rules. The same faculty applies to time limits prescribed by order.

¹ STL, *The Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PTJ, Motion on behalf of the Legal Representative of Victims for an Extension of the Deadline for Disclosing the Identity of V029, 11 January 2013 (the “Motion”).

² STL, *The Prosecutor v. Ayyash et al.*, Case No. STL-11-01-PT/PTJ, Third Decision on Victims’ Participation in the Proceedings, 28 November 2012, para. 14.

³ *Id.*, disposition.

⁴ Motion, para. 4.

⁵ Motion, paras 4, 5.

⁶ STL, *The Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PTJ, Fourth Notice of the Legal Representative of Victims of Disclosure of the Identity of One Victim Participating in the Proceedings, 14 January 2013 (the “Fourth Notice”).

⁷ *Id.*, para. 12.

6. The Pre-Trial Judge is satisfied that the combination of logistical and personal reasons explained by the LRV, together with the brevity of the delay sought, justify granting the extension of time for filing the notification. In light of the LRV's Fourth Notice already having been filed, however, the question of whether V029 will now apply for protective measures is now moot.

7. The Pre-Trial Judge is nevertheless compelled to express his concern for the time it has taken to notify V029 of his status, namely from 28 November 2012 until 14 January 2013, and recalls that pursuant to Rule 51(B)(v), victims must be informed "in a timely manner" of relevant decisions.

FOR THESE REASONS,

THE PRE-TRIAL JUDGE,

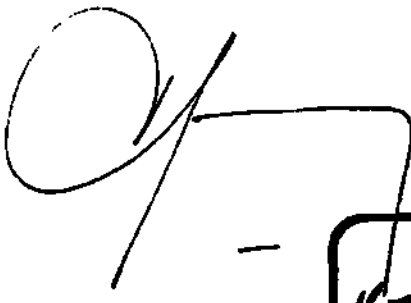
PURSUANT TO Rule 9(A) of the Rules;

GRANTS the Motion; and

RECOGNISES the Fourth Notice as validly filed.

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

Leidschendam, 15 January 2013.



Daniel Fransen
Pre-Trial Judge

