



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 Franssen**

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

Date: **18 January 2013**

Original language: **English**

Classification: **Public**

THE PROSECUTOR

v.

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

**INTERIM ORDER ON THE MOTION OF THE LEGAL REPRESENTATIVE OF
VICTIMS SEEKING CERTIFICATION TO APPEAL THE DECISION OF
19 DECEMBER 2012 ON PROTECTIVE MEASURES**

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 seised with a motion (the “Motion”)¹ by the Legal Representative of Victims (the “LRV”) seeking certification to appeal the Pre-Trial Judge’s “Decision on the Legal Representative of Victims’ First, Second and Third Motions for protective measures for Victims Participating in the Proceedings” (the “Impugned Decision”).²
2. On 11 January 2013, the Prosecution filed its response to the Motion, in which it took no position on the Motion but reserved its rights to participate in proceedings before the Appeals Chamber should certification to appeal the Impugned Decision be granted.³
3. Before rendering a decision on the Motion, the Pre-Trial Judge considers that the resolution of a related matter is necessary.
4. The Pre-Trial Judge notes that, in the Motion, the LRV did not specify the victims participating in the proceedings (“VPPs”) on whose behalf he is seeking certification to appeal the Impugned Decision. In principle, it is the VPPs themselves who are participating in the proceedings and who have standing before the Tribunal, represented in this case by the LRV.⁴ Consequently, the LRV himself has no standing, and is constrained to appear only on behalf of VPPs. He must therefore identify those VPPs on whose behalf he is acting.
5. As such, the LRV ought to have identified the VPPs on whose behalf he files the Motion. It is unclear from the Motion whether the LRV has filed it on behalf of: all current VPPs whom he has been designated to represent; the VPPs who have applied for protective measures to date; the VPPs who have applied for the specific protective measure in issue to date; or another sub-group of as yet unspecified VPPs.
6. The Pre-Trial Judge is concerned that legal certainty be ensured in these and subsequent proceedings, and that the interests of VPPs whom the LRV is not specifically representing in the Motion are not prejudiced thereby. The LRV should therefore either

¹ STL, *The Prosecutor v. Ayyash et al*, Case No. STL-11-01/PT/PTJ, Motion of the Legal Representative of Victims Seeking Certification of the “Decision on the Legal Representative of Victims’ First, Second and Third Motions for Protective Measures for Victims Participating in the Proceedings”, 21 December 2012.

² STL, *The Prosecutor v. Ayyash et al*, Case No. STL-11-01/PT/PTJ, Decision on the Legal Representative of Victims’ First, Second and Third Motions for Protective Measures for Victims Participating in the Proceedings, 19 December 2012.

³ STL, *The Prosecutor v. Ayyash et al*, Case No. STL-11-01/PT/PTJ, Prosecution Response to the Motion of the Legal Representative of Victims Seeking Certification of the “Decision on the Legal Representative of Victims’ First, Second and Third Motions for Protective Measures for Victims Participating in the Proceedings”, 11 January 2013.

⁴ Section 3 of the Rules of Procedure and Evidence.

identify in his filings those of his clients on whose behalf he is acting, or indicate that he is acting on behalf of all of the VPPs.

FOR THESE REASONS,

THE PRE-TRIAL JUDGE,

PURSUANT TO Rule 89(B);

ORDERS the LRV, by 24 January 2012, to file a notice before the Pre-Trial Judge either identifying the VPPs on whose behalf he has filed the Motion, or that he is acting on behalf of all current VPPs; and

ORDERS the LRV to act in conformity with this principle in future submissions.

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

Leidschendam, 18 January 2013



Daniel Fransen
Pre-Trial Judge

