



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: **Mr Daniel Fransen**

The Registrar: **Mr Daryl Mundis**

Date: **9 August 2013**

Original language: **French**

Classification: **Public**

THE PROSECUTOR
v.
SALIM JAMIL AYYASH
MUSTAFA AMINE BADREDDINE
HUSSEIN HASSAN ONEISSI
ASSAD HASSAN SABRA

DECISION ON THE PROSECUTION REQUEST OF 2 AUGUST 2013

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. By way of this decision, the Pre-Trial Judge rules on the Prosecution request of 2 August 2013 in which it informs the Pre-Trial Judge of the filing of a signed version and a public redacted version of the indictment of 21 June 2013 against Mr Salim Jamil Ayyash, Mr Mustafa Amine Badreddine, Mr Hussein Hassan Oneissi and Mr Assad Hassan Sabra (respectively, the “Indictment of 21 June 2013” and the “Accused”), in compliance with the decision of 31 July 2013¹ and the request to the Pre-Trial Judge to: (i) issue arrest warrants including transfer and detention orders and international arrest warrants including transfer and detention requests; (ii) transmit the Indictment of 21 June 2013 to the Lebanese authorities (the “Request of 2 August 2013”).²

2. On 6 August 2013, the Legal Representative of Victims filed observations in which he indicates that he takes no position in relation to the Request of 2 August 2013.³

3. Counsel for the Defence have not responded to the Request of 2 August 2013.

4. The Pre-Trial Judge takes note of the fact that, in compliance with the Decision of 31 July 2013, the Prosecution filed the Indictment of 21 June 2013 and the public redacted version thereof.

5. Furthermore, the Pre-Trial Judge considers that the request for the issuance of arrest warrants and international arrest warrants is justified. Indeed, the request is based on the substantiated risks that the Accused might escape justice, intimidate witnesses and commit further offences, pursuant to Rule 79 of the Rules of Procedure and Evidence (the “Rules”), as justified in the body of those arrest warrants. The procedures for the execution of the arrest warrants and the international arrest warrants are also set forth in the arrest warrants themselves. They annul and replace the arrest warrants and international arrest warrants issued on 27 May 2013.⁴

¹ STL, *The Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PTJ, Corrected Version: Decision Relating to the Prosecution Request of 21 June 2013 for Leave to Amend the Indictment of 6 February 2013, confidential, 31 July 2013 (the “Decision of 31 July 2013”). A public redacted version of that decision was filed on 2 August 2013. Any further reference to filings or decisions refers to that case number, unless otherwise indicated.

² Prosecution’s Filing of the Signed Version of the Amended Indictment in Compliance with the Pre-Trial Judge’s Decision of 31 July 2013 & Request for Amended Arrest Warrants and Orders/Requests for Transfer and Detention, 2 August 2013.

³ Response of the Legal Representative of Victims to the Prosecution’s Filing of the Signed Version of the Amended Indictment in Compliance with the Pre-Trial Judge’s Decision of 31 July 2013, 6 August 2013.

⁴ Warrant to Arrest Mr Salim Jamil Ayyash and Order for Transfer and Detention, 27 May 2013; Warrant to Arrest Mr Mustafa Amine Badreddine and Order for Transfer and Detention, 27 May 2013; Warrant to Arrest Mr Hussein Hassan Oneissi and Order for Transfer and Detention, 27 May 2013; Warrant to Arrest Mr Assad Hassan Sabra and

6. Lastly, the Pre-Trial Judge requests the Registrar to transmit to the authorities of the Lebanese Republic – State of nationality of the Accused and their last known residence – pursuant to Rules 71 (D) and 76 of the Rules, a copy of the redacted Indictment of 21 June 2013.

FOR THESE REASONS,

Pursuant to Rules 71 (D), 76, 79, 84 and 96 (B) of the Rules,

THE PRE-TRIAL JUDGE,

TAKES NOTE of the Prosecution's filing of the Indictment of 21 June 2013 and of the redacted version thereof;

ISSUES an arrest warrant and an international arrest warrant, which shall be separate documents, against each Accused, annulling and replacing the arrest warrants of 27 May 2013 and the international arrest warrants of 27 May 2013 issued against those Accused; and

ORDERS the Registrar to transmit the redacted Indictment of 21 June 2013 to the competent Lebanese authorities.

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

Leidschendam, 9 August 2013

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[signature]

Daniel Fransen
Pre-Trial Judge



Order for Transfer and Detention, 27 May 2013; International Warrant to Arrest Mr Salim Jamil Ayyash and Request for Transfer and Detention, 27 May 2013; International Warrant to Arrest Mr Mustafa Amine Badreddine and Request for Transfer and Detention, 27 May 2013; International Warrant to Arrest Mr Hussein Hassan Oneissi and Request for Transfer and Detention, 27 May 2013; International Warrant to Arrest Mr Assad Hassan Sabra and Request for Transfer and Detention, 27 May 2013.