



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. Daryl Mundis, Registrar**

Date: **5 December 2013**

Original language: **English**

Classification: **Public**

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

**DECISION ON THE REQUEST OF THE LEGAL REPRESENTATIVE
OF VICTIMS TO AUTHORISE THE WITHDRAWAL OF A
VICTIM PARTICIPATING IN THE PROCEEDINGS**

Office of the Prosecutor:
Mr. Norman Farrell

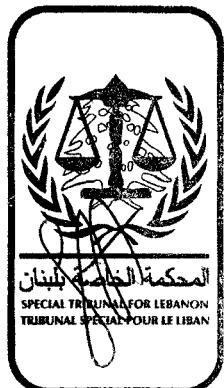
Counsel for Mr. Salim Jamil Ayyash:
Mr. Eugene O'Sullivan

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. INTRODUCTION

1. In this decision, the Pre-Trial Judge notes the Request of the Legal Representative of Victims (the “LRV”) to withdraw one participating victim from the proceedings (the “Request”).¹

II. PROCEDURAL BACKGROUND

2. On 8 May 2012, the Pre-Trial Judge authorised victim V025 to participate in the proceedings.²

3. On 29 May 2013, the LRV filed the Request informing the Pre-Trial Judge that V025 had passed away. In the Request, the LRV asked that V025 be permitted to withdraw from the proceedings, taking into account the additional information regarding the surrounding security situation, as detailed in confidential and *ex parte* annexes A and B thereto.³

4. On 31 October 2013, and following various exchanges between representatives of the Pre-Trial Judge and the LRV, the former issued a scheduling directive requesting the LRV to file further submissions by 7 November 2013 detailing the attempts that had been made to procure additional materials of a more probative value to support the Request.

5. On 7 November 2013, the LRV filed his submission in response to the scheduling directive (the “Further Submissions”).⁴

6. On 12 November 2013, the LRV filed a memorandum before the Pre-Trial Judge indicating that he had received an official statement in Arabic attesting to V025’s death (the “Statement”).⁵

7. On 2 December 2013, the LRV duly filed the translation of the Statement attesting to V025’s death before the Pre-Trial Judge in a supplementary filing (the “Supplementary Filing”).⁶

¹ STL, *Prosecution v. Ayyash et al.*, Case No. STL-11-01/PT/PTJ, Request of the Legal Representative of Victims to Withdraw one Participating Victim from the Proceedings, Public with Confidential and *Ex Parte* Annexes A and B, 29 May 2013. All further references to filings and decisions relate to this case number unless otherwise stated.

² Decision on Victims’ Participation in the Proceedings, 8 May 2012, para. 104 and disposition.

³ Request, paras 1-4.

⁴ Submission of the Legal Representative of Victims pursuant to the 31 October 2013 Scheduling Directive of the Pre-Trial Judge, Confidential and *Ex Parte*, 7 November 2013.

⁵ Confidential and *Ex Parte* Memorandum to the Pre-Trial Judge entitled “Official statement attesting the death of V025”, 12 November 2013.

III. DISCUSSION

8. The Pre-Trial Judge recalls his decision of 19 December 2012, in which he elaborated on his reasoning for requests by victims participating in the proceedings to withdraw:

[A]lthough 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.⁷

9. When first in receipt of the Request, the Pre-Trial Judge was concerned that the LRV was not in a position to substantiate sufficiently that V025 is in fact deceased. Consequently, the LRV was invited to provide further credible supporting information.

10. In the Further Submissions, the LRV detailed the extensive efforts undertaken by the Co-Legal Representative — in difficult circumstances — to procure official documentation substantiating V025’s death. These efforts have culminated in the LRV’s submission of the Supplementary Filing, which *prima facie* formally attests to V025’s death.

11. Having taken into consideration the Request, the Further Submissions, together with the Supplementary Filing, the Pre-Trial Judge takes note of the death of Victim V025 and his corresponding withdrawal from the proceedings.

⁶ Supplementary Filing to the Request of the Legal Representative of Victims to Withdraw One Participating Victim from the Proceedings, Public with Confidential and *Ex Parte* Annex, 2 December 2013.

⁷ Decision relating to the Request of the legal representative of Victims to Authorise Two Victims to withdraw their Participation, 19 December 2012, para. 5

IV. DISPOSITION**FOR THESE REASONS,****THE PRE-TRIAL JUDGE,****PURSUANT TO** Rules 77(A) and 86 of the Rules,**NOTES** the withdrawal of victim V025 from the proceedings.

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

Leidschendam, 5 December 2013.

Daniel Fransen
Pre-Trial Judge