



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE TRIAL CHAMBER

Case No.: STL-11-01/T/TC

Before: Judge David Re, Presiding
Judge Janet Nosworthy
Judge Micheline Braidy
Judge Walid Akoum, Alternate Judge
Judge Nicola Lettieri, Alternate Judge

Registrar: Mr. Daryl Mundis

Date: 25 July 2014

Original language: English

Classification: Public

THE PROSECUTOR

v.

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

**ORDER IN RELATION TO MOTION FOR DISCLOSURE OF CALL DATA
RECORDS AND SMS CONTENT FOR FOUR TELEPHONE NUMBERS**

Office of the Prosecutor:

Mr. Norman Farrell, Mr. Graeme Cameron
& Mr. Alexander Milne

Counsel for Mr. Salim Jamil Ayyash:

Mr. Eugene O'Sullivan, Mr. Emile Aoun
& Mr. Thomas Hannis

Victims' Legal Representatives:

Mr. Peter Haynes, Mr. Mohammad F. Mattar
& Ms. Nada Abdelsater-Abusamra

Counsel for Mr. Mustafa Amine Badreddine:

Mr. Antoine Korkmaz, Mr. John Jones
& Mr. Iain Edwards

Counsel for Mr. Hassan Habib Merhi:

Mr. Mohamed Aouini, Ms. Dorothée Le Fraper
du Hellen & Mr. Jad Khalil

Counsel for Mr. Hussein Hassan Oneissi:

Mr. Vincent Courcelle-Labrousse, Mr. Yasser
Hassan & Mr. Philippe Larochelle

Counsel for Mr. Assad Hassan Sabra:

Mr. David Young, Mr. Guénaél Mettraux
& Mr. Geoffrey Roberts



1. Counsel for the Accused, Mr. Hussein Hassan Oneissi, requested the Trial Chamber, under Rule 110 (B) of the Special Tribunal's Rules of Procedure and Evidence, to order the Prosecution to give them access to call data records and the content of short text messages of four specific mobile telephone numbers.¹ In a confidential and *ex parte* annex Defence counsel explained how this data is material to their preparations for trial.² The Prosecution opposed the motion both procedurally and substantively.³

2. The Trial Chamber recognises the sensitivity of the information contained in the confidential and *ex parte* annex, but having read the Prosecution's response believes that it would be assisted by receiving more informed submissions from the Prosecution. It would also be assisted by a reply from Defence counsel specifically addressing paragraph 33 of the Prosecution's response relating to legal professional privilege. It therefore orders:

(i) **counsel for Mr. Oneissi** to file, by **Wednesday 30 July 2014**—in general terms—a version of their confidential and *ex parte* annex that gives sufficient specificity in relation to the materiality claimed under Rule 110 (B) to allow the Prosecution to file an informed response;

(ii) **the Prosecution** to file their response by **Tuesday 5 August 2014**; and

(iii) **counsel for Mr. Oneissi** to file, by **Friday 8 August 2014**, a reply specifically addressing the issue of legal professional privilege raised by the Prosecution (and any other matter).

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

Leidschendam,
The Netherlands
25 July 2014

David Re

Judge David Re, Presiding

Janet Nosworthy

Judge Janet Nosworthy

Micheline Braidy

Judge Micheline Braidy



¹ STL-11-01/T/TC, *Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi and Sabra*, Defence for Hussein Hassan Oneissi Request for Disclosure of 2007-2010 CDRs and all SMS Content for Four Telephone Numbers, 21 July 2014.

² STL-11-01/T/TC, Defence for Hussein Hassan Oneissi Request for Disclosure of 2007-2010 CDRs and All SMS Content for Four Telephone Numbers, Annex B, Confidential and *ex parte*.

³ STL-11-01/T/TC, Prosecution Response to Defence for Hussein Hassan Oneissi Request for Disclosure of 2007-2010 CDRs and all SMS Content for Four Telephone Numbers, 24 July 2014.