



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

**THE PRE-TRIAL JUDGE**

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

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

The Registrar: **Mr Daryl Mundis**

Date: **11 December 2014**

Original language: **French**

Classification: **Public**

**THE PROSECUTOR**

v.

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

**ORDER TRANSMITTING A MOTION TO THE TRIAL CHAMBER**

**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 Hassan Habib Merhi:**  
Mr Mohamed Aouini

**Counsel for Mr Hussein Hassan Oneissi:**  
Mr Vincent Courcelle-Labrousse

**Counsel for Mr Assad Hassan Sabra:**  
Mr David Young



1. **NOTING** the motion of 18 November 2014 (the “Motion”)<sup>1</sup> by way of which the Legal Representative of Victims (the “LRV”) requests that the Pre-Trial Judge grant protective measures for V080;
2. **CONSIDERING** that on 18 July 2014, the Pre-Trial Judge rendered a decision granting the status of victim participating in the proceedings to victim V80 and inviting the LRV to submit to him any request for appropriate measures to ensure the privacy and protection of the victims participating in the proceedings;<sup>2</sup>
3. **CONSIDERING** that the Trial Chamber has been seised of the case of *Ayyash et al.* since the Pre-Trial Judge transmitted the case file to it on 25 October 2013 pursuant to Rule 95 of the Rules of Procedure and Evidence (the “Rules”);
4. **CONSIDERING** that, pursuant to Rule 130 (B) of the Rules, only issues governed by Rules 93, 117 and 118 fall within the exclusive jurisdiction of the Pre-Trial Judge in the case of *Ayyash et al.*;
5. **CONSIDERING** that the Trial Chamber has determined the functions that might also fall to the Pre-Trial Judge in the case of *Ayyash et al.*, notably the granting of the status of victim participating in the proceedings pursuant to Rule 86, which does not necessarily include the determination of whether or not protective measures should be granted to that victim once the Trial Chamber has been seised;<sup>3</sup>
6. **CONSIDERING** that, therefore and given these circumstances, the Motion no longer falls within the jurisdiction of the Pre-Trial Judge;
7. **CONSIDERING** that, taking account of the terms of the Decision of 18 July 2014 relating to the jurisdiction to which requests for protective measures should be referred, the Pre-Trial Judge finds that, as an exceptional measure, the Motion should be directly transferred to the Trial Chamber for consideration;

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<sup>1</sup> STL, *The Prosecutor v. Ayyash et al.*, STL-11-01/T/PTJ, F1758, Fifth Motion of the Legal Representative of Victims for Protective Measures (Confidentiality) for One Victim Participating in the Proceedings, 18 November 2014.

<sup>2</sup> STL, *The Prosecutor v. Ayyash et al.*, STL-11-01/T/PTJ, F1621, Fifth Decision on Victims’ Participation in the Proceedings, 18 July 2014, Disposition.

<sup>3</sup> STL, *The Prosecutor v. Ayyash et al.*, STL-11-01/T/TC, F1424, Decision on Trial Management and Reasons for Joinder, 25 February 2014, para. 73.

**FOR THESE REASONS,**

Pursuant to Rule 77 of the Rules and after consultation with the Presiding Judge of the Trial Chamber,

**THE PRE-TRIAL JUDGE,**

**TRANSMITS** the Motion to the Trial Chamber.

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

Leidschendam, 11 December 2014

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[signature]

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Daniel Fransen  
Pre-Trial Judge

