

THE CONTEMPT JUDGE

Case No.: STL-11-01/T/CJ/R60bis.1

Before: Judge David Baragwanath, Contempt Judge

Registrar: Mr Daryl Mundis

Date: 25 March 2015

Original language: English

Classification: Public

THE PROSECUTOR

v.

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

ORDER LIFTING CONFIDENTIALITY**Prosecutor:**

Mr Norman Farrell

Head of Defence Office:

Mr François Roux

**Legal Representatives of
Participating Victims:**Mr Peter Haynes, Mr Mohammad F. Mattar
& Ms Nada Abdelsater-Abusamra**Amicus Curiae:**

Mr Kenneth Scott

Counsel for Mr Salim Jamil Ayyash:Mr Eugene O'Sullivan, Mr Emile Aoun &
Mr Thomas Hannis**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 Mettray
Mr Geoffrey Roberts

1. Given the need for publicity and transparency in the proceedings of the Tribunal,¹ it is desirable to review the record in this matter periodically to determine whether maintaining the confidentiality of certain filings is justified. I find that no such justification now exists with respect to a number of decisions and orders that were issued prior to my “Decision in Proceedings for Contempt With Orders In Lieu of an Indictment” of 31 January 2014.² In particular, these decisions and orders merely relate to the initial appointment of an *Amicus Curiae* investigator and his mandate. I therefore lift confidentiality with respect to these filings as identified in the Disposition.

2. With respect to other filings on the record, there is need to maintain confidentiality with a view to safeguarding any ongoing investigations. I will review their classification when appropriate.

DISPOSITION

FOR THESE REASONS;

PURSUANT Rules 60 *bis* (H), 96 and 130;

I

ORDER the reclassification, from confidential and *ex parte* to public, of the following filings:

- Order Authorizing Registry to Disclose Confidential Information, 1 May 2013 (F0022)
- Registrar’s Decision under Rule 60*bis*(E)(ii) to Appoint an *Amicus Curiae* on an Interim Basis to Investigate Contempt Allegations, 17 May 2013 (F0031)
- Order Directing Tribunal Officials, Staff Members, Counsel, Consultants and Legal Representatives to Cooperate with *Amicus Curiae*, 21 May 2013 (F0033)
- Registrar’s Decision Under Rule 60*bis*(E)(ii) to Appoint *Amicus Curiae* to Investigate Contempt Allegations, 25 June 2013 (F0036)

¹ See STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/AC/AR126.6, F0003, Decision on Appeal by Counsel for Mr Oneissi Against Pre-Trial Judge’s “Decision on the Oneissi Defence’s Request for Disclosure Regarding a Computer”, 12 May 2014, para. 8.

² STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/CJ/R60bis.1, F0049, Decision in Proceedings for Contempt With Orders in Lieu of an Indictment, Confidential and *Ex Parte*, 31 January 2014. Redacted versions of this decision were filed in the cases STL-14-05 and STL-14-06.

- Order on Investigation by *Amicus Curiae* and Cooperation, 26 June 2013 (F0037, not including the annex, which shall retain its confidential and *ex parte* classification).

Done in Arabic, English and French, the English version being authoritative.
Dated 25 March 2015
Leidschendam, the Netherlands



Judge David Baragwanath
Contempt Judge

