



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: 22 May 2015

Original language: English

Classification: Public with Confidential and *Ex Parte* annexes

THE PROSECUTOR

v.

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

**ORDER CLARIFYING DECISION ON UPDATED REQUEST FOR A
FINDING OF NON-COMPLIANCE OF 27 MARCH 2015**

Office of the Prosecutor:
Mr Norman Farrell, Mr Graeme Cameron
& Mr Alexander Milne

Defence Office:
Mr François Roux

Victims' Legal Representatives:
Mr Peter Haynes, Mr Mohammad F. Mattar
& Ms Nada Abdelsater-Abusamra

**The Government of the Lebanese
Republic**

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 Dorothee 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 Metral
& Mr Geoffrey Roberts



1. This order further clarifies the Trial Chamber's three previous decisions, directing the Government of Lebanon to cooperate with the Special Tribunal. In January and March 2014, and again in March 2015, the Trial Chamber directed the Government of Lebanon to cooperate with the Special Tribunal.¹ These orders related to requests for assistance sent by the Special Tribunal's Head of Defence Office to the Lebanese Government, on behalf of the Defence of Mr Assad Hassan Sabra. On 8 and 13 April 2015, the Special Tribunal's Registrar transmitted the Trial Chamber's March 2015 decision and its annexes to the Government of Lebanon.² The annexes list, in one column, the request's number, e.g. 'Requests 1 (108), 2 (109) and 3 (110)', and in the other, a summary of the issue raised by Defence counsel.
2. Several days later, on 17 April 2015, the Lebanese Prosecutor-General wrote to the Minister for Justice of the Lebanese Republic, saying that some requests for assistance must be sent to multiple Lebanese 'authorities'. Sending the same request classified as 'confidential' or 'confidential and *ex parte*' to multiple authorities meant that each would know of the other requests. To comply with the decision, the content of each request should therefore go only to each relevant authority. The Lebanese Prosecutor-General, it appears, wants the Special Tribunal to reclassify the requests individually, according to subject and authority.³
3. On 20 April 2015, the Government of Lebanon wrote to the Registrar of the Special Tribunal attaching the letter of 17 April 2015.
4. Some confusion appears to exist. The three annexes to the Trial Chamber's decision of 27 March 2015 clearly specify the authorities that the Sabra Defence believes have the information sought. The Lebanese Prosecutor-General, however, wants the Trial Chamber to further sub-divide these annexes. To break this apparent impasse, the Trial Chamber has now split the information—in the three annexes to the decision of 27 March 2015—into 25 separate annexes.

¹ STL-11-01/T/TC, *Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi and Sabra*, F1379, Decision on Second and Fifth Motions by Counsel for Assad Hassan Sabra and Two Orders to Lebanon to Cooperate with the Tribunal, 31 January 2014; F1471, Further Decision on Motions under Rule 20 (A) by Counsel for Assad Hassan Sabra and Four Orders to Lebanon to Cooperate with the Tribunal, 31 March 2014; F1889, Decision on Updated Request for a Finding of Non-Compliance, 27 March 2015.

² F1925, Notice of Response from the Government of Lebanon regarding the 'Decision on Updated Request for a Finding of Non-Compliance', 23 April 2015, Annex A. The letter of 8 April 2015 contained the decision of 27 March 2015 and three annexes to the decision, with copies of other documents. The letter of 13 April 2015 provided the other documents in Arabic.

³ Notice of Response, Annex B.

5. These new annexes contain the same information. Annex 1 is an index; Annexes 2 to 9 identify the specific authority or entity to which the request should go. Six different Lebanese authorities or entities are identified, namely:

- Ministry of Telecommunications,
- ALFA Telecommunications,
- MTC Telecommunications,
- Internal Security Forces,
- Lebanese Army, and
- Sûreté Générale.

The Lebanese Government should send the relevant requests to these authorities or entities.

6. Annexes 10 to 25 are addressed to the Government of Lebanon and do not identify specific recipients. The Government of Lebanon must itself decide which authority or entity may have the material sought in these annexes.

7. Annexes 3, 7, 8 and 9 contain information about request 117—as set out in the schedule to annex D to the decision of 31 March 2014, and annex III to the decision of 27 March 2015—and is *ex parte* the Prosecution.

8. The annexes to this clarifying order contain several minor language adjustments to the annexes to the Trial Chamber's decisions of 31 January, 31 March 2014, and 27 March 2015. To interpret the annexes correctly those decisions and this order should be read together.

DISPOSITION

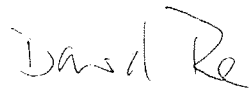
FOR THESE REASONS, the Trial Chamber:

ORDERS the Government of Lebanon to respond to each of the requests for assistance listed in annexes 2-25 with an explanation as to whether it can comply with the request for assistance, and if not, to explain why not; and

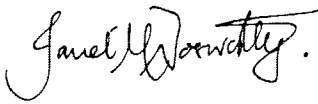
EXTENDS the date for enforcement by Lebanon of this order to 21 days from the date of its notification in Arabic.

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

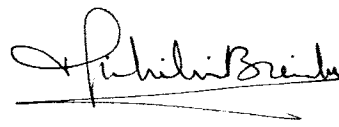
Leidschendam,
The Netherlands
22 May 2015



Judge David Re, Presiding



Judge Janet Nosworthy



Judge Micheline Braidy

