

SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

**THE APPEALS CHAMBER**

**Case No:** STL-11-01/T/AC/AR126.11

**Before:** Judge Ivana Hrdličková, Presiding  
Judge Ralph Riachy  
Judge David Baragwanath  
Judge Afif Chamseddine  
Judge Daniel David Ntanda Nsereko

**Registrar:** Mr Daryl Mundis

**Date:** 21 June 2016

**Original language:** English

**Classification:** Public

**THE PROSECUTOR**

v.

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

**DECISION ON BADREDDINE DEFENCE REQUEST FOR SUSPENSIVE EFFECT OF ITS  
INTERLOCUTORY APPEAL AGAINST THE TRIAL CHAMBER'S DECISION  
REGARDING MR BADREDDINE'S DEATH**

**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

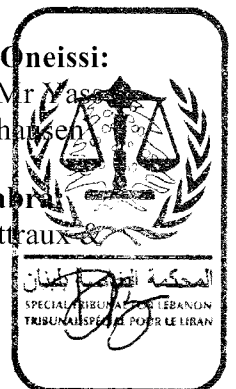
**Counsel for Mr Salim Jamil Ayyash:**  
Mr Emile Aoun, Mr Thomas Hannis & Mr Chad  
Mair

**Counsel for Mr Mustafa Amine Badreddine:**  
Mr Antoine Korkmaz, Mr Iain Edwards &  
Ms Mylène Dimitri

**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 & Ms Natalie von Wistinghausen

**Counsel for Mr Assad Hassan Sabra:**  
Mr David Young, Mr Guénaél Mettraux &  
Mr Geoffrey Roberts



1. The Appeals Chamber is seized of an interlocutory appeal<sup>1</sup> by Defence Counsel for Mr Badreddine (“Badreddine Defence”) against the Trial Chamber’s interim Decision that it did not believe that sufficient evidence had yet been presented to convince it that the death of Mr Mustafa Amine Badreddine has been proven to the requisite standard.<sup>2</sup> In its Appeal, the Badreddine Defence also made a request for suspensive relief pending resolution of the Appeal.<sup>3</sup> The Prosecutor and the Legal Representative of Victims responded to this request.<sup>4</sup>

2. We decide by majority, Judge Baragwanath and Judge Nsereko dissenting, to grant the Badreddine Defence’s request for suspensive relief. This has the effect of suspending the proceedings before the Trial Chamber in the *Ayyash et al.* case, pending the Appeals Chamber’s decision on the merits of the Appeal.

3. The written reasons, both for the majority decision and the dissenting opinions, will follow in due course.

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<sup>1</sup> STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/AC/AR126.11, F0001, Badreddine Interlocutory Appeal of the “Interim Decision on the Death of Mr Mustafa Amine Badreddine and Possible Termination of Proceedings”, 15 June 2016 (“Appeal”).

<sup>2</sup> STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/TC, F2612, Reasons for Interim Decision on the Death of Mr Mustafa Amine Badreddine and Possible Termination of Proceedings, 7 June 2016; STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/TC, Transcript of 1 June 2016, pp. 55-56. *See also* STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/TC, F2616, Dissenting Opinion of Judge Micheline Braidy on the Trial Chamber’s Interim Decision regarding the Death of Mr Mustafa Amine Badreddine and Possible Termination of Proceedings, 8 June 2016; STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/TC, Transcript of 1 June 2016, pp. 56-57.

<sup>3</sup> Appeal, paras 3, 27-31.

<sup>4</sup> STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/AC/AR126.11, F0003, Prosecution Submissions on the Badreddine Defence Application for Suspensive Relief, 15 June 2016; STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/AC/AR126.11, F0007, Submissions of the Legal Representative of Victims on the Badreddine Defence Application for Suspensive Relief, 17 June 2016. *See also* STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/AC/AR126.11, F0002, Request of the Legal Representative of Victims for Leave to Respond to Badreddine Interlocutory Appeal of the “Interim Decision on the Death of Mr Mustafa Amine Badreddine and Possible Termination of Proceedings”, 15 June 2016; STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/AC/AR126.11, F0005, Decision on the Request of the Legal Representative of Victims Seeking Leave to Respond to the Badreddine Defence Interlocutory Appeal, 17 June 2016.

## DISPOSITION

**THE APPEALS CHAMBER**, Judge Baragwanath and Judge Nsereko dissenting,

**GRANTS** the request for suspensive relief; and

**DECLARES** that it will provide written reasons for this decision in due course.

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

Dated 21 June 2016

Leidschendam, the Netherlands



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Judge Ivana Hrdličková  
Presiding Judge

