

SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE TRIAL CHAMBER**SPECIAL TRIBUNAL FOR LEBANON**

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: 21 September 2016

Original language: English

Classification: Public

THE PROSECUTOR

v.

**SALIM JAMIL AYYASH
HASSAN HABIB MERHI
HUSSEIN HASSAN ONEISSI
ASSAD HASSAN SABRA**

**ORDER TO THE DEFENCE OF SALIM JAMIL AYYASH, HASSAN HABIB
MERHI AND HUSSEIN HASSAN ONEISSI REGARDING AGREEMENTS AS TO
EVIDENCE**

Office of the Prosecutor:

Mr Norman Farrell & Mr Alexander Milne

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 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 Trial Chamber, on 16 September 2016, issued a decision¹ recording agreements as to evidence under Rule 122 of the Special Tribunal's Rules of Procedure and Evidence—in respect of counsel for Mr Assad Hassan Sabra—in relation to 18 facts derived from reports of a United Nations Fact-finding Mission and six reports of the United Nations International Independent Investigation Commission (UNIIC).²

2. In a judicial case management meeting with the Parties and Participants on 21 September 2016,³ the issue of whether counsel for the other three Accused would enter into the same agreements in relation to these uncontested facts was discussed.

3. To ensure the efficient use of court-time and the Special Tribunal's resources, counsel for Mr Salim Jamil Ayyash, Mr Hassan Habib Merhi and Mr Hussein Hassan Oneissi are ordered to file submissions by **Tuesday 27 September 2016** stating whether they will also accept these 18 facts under Rule 122, and if not, why not.

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

Leidschendam,
The Netherlands
21 September 2016

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, Merhi, Oneissi and Sabra*, F2722, Decision on Agreements as to Evidence between Prosecution and Sabra Defence on United Nations Fact-finding Mission and UNIIC Reports, 16 September 2016.

² Report of the Fact-Finding Mission to Lebanon inquiring into the causes, circumstances and consequences of the assassination of the former Prime Minister Rafik Hariri, 24 March 2005, S/2005/203 and Report of the International Independent Investigation Commission established pursuant to Security Council resolution 1595 (2005), 20 October 2005, S/2005/6621; Second Report, 12 December 2005, S/2005/775; Fourth Report, 11 June 2006, S/2006/375; Ninth Report, 28 November 2007, S/2007/684; Tenth Report, 28 March 2008, S/2008/219 and Eleventh Report, 2 December 2008, S/2008/752.

³ Attended by the Presiding Judge, Judge Nosworthy, and the Trial Chamber's senior legal officer.

