



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: 3 October 2018

Original language: English

Classification: Public

THE PROSECUTOR

v.

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

ORDER RECLASSIFYING SABRA DEFENCE SUBMISSIONS OF 1 OCTOBER 2018

Office of the Prosecutor:
Mr Norman Farrell & Mr Nigel Povoas

**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 & Mr Jad Youssef 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 Geoffrey Roberts &
Ms Sarah Bafadhel



1. On 21 September 2018, the Trial Chamber invited the Parties, the Head of Defence Office and, if necessary, her deputy to file written submissions on the need for judicial involvement concerning potential conflict of interest arising from Ms Dorothée Le Fraper du Hellen's role as the newly appointed Head of Defence Office, in view of her previous role as co-counsel for the Accused, Mr Hassan Habib Merhi.¹ On 1 October 2018, the Head of Defence Office, the Deputy Head of Defence Office, the Prosecution, counsel for Mr Merhi, and counsel for the Accused, Mr Salim Jamil Ayyash and Mr Hussein Hassan Oneissi, filed public submissions on the matter.²

2. In contrast, that same day, counsel for the Accused, Mr Assad Hassan Sabra, filed the required submissions under a 'confidential and *ex parte*' classification.³ Counsel sought to justify this classification by arguing that the filing 'concerns matters regarding the internal workings of the Defence which are not disclosable to the Prosecution'.⁴ However, having reviewed the substance of these submissions, and being mindful of the public nature of the proceedings, the Trial Chamber is not satisfied that they in fact reveal anything about the internal workings of the Defence. The confidential and *ex parte* classification is therefore unwarranted.

3. Consequently, under Article 7 (6) of the Practice Direction on Filings,⁵ the Trial Chamber **instructs** the Registry to reclassify from 'confidential and *ex parte*' to 'public' filing F3739, 'Sabra Defence Submissions in Relation to Oral Order Dated 21 September 2018', dated 1 October 2018.

¹ Transcript of 21 September 2018, pp 72-74.

² STL-11-01/T/TC, *Prosecutor v. Ayyash, Merhi, Oneissi and Sabra*, F3737, Ayyash Defence Submissions Pursuant to the Trial Chamber's Request of 21 September 2018, 1 October 2018; F3738, Soumissions de la Défense de Merhi relativement aux écritures F3732, 1 October 2018; F3740, Observations de la Chef du Bureau de la Défense suite à l'Ordonnance de la Chambre de première instance du 21 septembre 2018, 1 October 2018; F3741, Observations de la Chef adjointe du Bureau de la Défense suite à l'Ordonnance de la Chambre de première instance du 21 septembre 2018, 1 October 2018; F3742, Prosecution's Submissions pursuant to the Trial Chamber's Order of 21 September 2018; F3743, Soumissions de la Défense de M. Oneissi en réponse à l'Ordonnance de la Chambre du 21 septembre 2018, 1 October 2018.

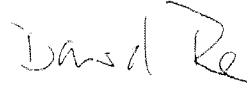
³ F3739, Sabra Defence Submissions in Relation to Oral Order Dated 21 September 2018, Confidential and *ex parte*, 1 October 2018 ('Sabra Defence submissions').

⁴ Sabra Defence submissions, para. 3.

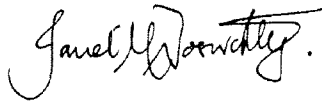
⁵ STL/PD/2010/01/Rev.2, Practice Direction on Filing of Documents before the Special Tribunal for Lebanon, 14 June 2013.

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

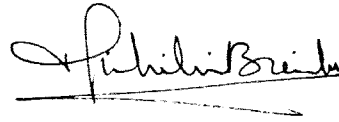
Leidschendam,
The Netherlands
3 October 2018



Judge David Re, Presiding



Judge Janet Nosworthy



Judge Micheline Braidy

