

**BEFORE 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

**The Registrar:** Mr Daryl Mundis

**Date:** 21 May 2014

**Filing party:** The Defence - Badreddine

**Original language:** French

**Classification:** Public

**THE PROSECUTOR**  
**v.**  
**SALIM JAMIL AYYASH**  
**MUSTAFA AMINE BADREDDINE**  
**HASSAN HABIB MERHI**  
**HUSSEIN HASSAN ONEISSI**  
**ASSAD HASSAN SABRA**

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**Public Redacted Version**  
**Badreddine Defence Request for the Issuance of a Supplementary Order**  
**to that of 13 January 2014**

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**Office of the Prosecutor:**  
Mr Norman Farrell

**Defence Office:**  
Mr François Roux

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

**Counsel for Mr Salim Jamil Ayyash:**  
Mr Eugene O'Sullivan, Mr Émile Aoun &  
Mr Thomas Hannis

**Counsel for Mr Mustafa Amine Badreddine:**  
Mr Antoine Korkmaz, Mr John Jones QC &  
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 Laroche

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



## **I. Introduction**

1. Following the order adopted by the Chamber on 13 January 2014<sup>1</sup> (the “Order”), the Defence for Mr Mustafa Amine Badreddine (the “Defence”) requests that the Trial Chamber (the “Chamber”) issue a supplementary order on the basis of Rule 20 (A) of the Rules of Procedure and Evidence (the “Rules”) concerning information which had been excluded from the scope of the Order.

2. The Defence files this request under the classification “confidential, *ex parte*, reserved for the Defence”. This is because it contains information relating to telephone numbers mentioned in its Request for Assistance which are connected to specific investigations conducted by its expert and which are not, therefore, intended to be shared with the opposing party as they have the status of internal Defence documents. In accordance with Article 7(3) of the Practice Direction on the filing of documents, it files concomitantly a public redacted version.

## **II. Procedural background**

3. On 24 May 2013, the Defence, through the Head of Defence Office, sent an urgent request for assistance to the Director of Litigation at the Lebanese Ministry of Justice concerning the disclosure of telephonic data necessary for its preparation, in accordance with Rule 16 (C) of the Rules and Article 4 of the Memorandum of Understanding<sup>2</sup> (the “Request for Assistance”). As no response was forthcoming to that request, on 24 October 2013 the Defence seised the Pre-Trial Judge of a request that, on the basis of Article 15 of the Memorandum of Understanding and Rule 20 (A) of the Rules, he order the Lebanese authorities to provide the requested assistance without delay.<sup>3</sup> As the request was transferred to the Chamber,<sup>4</sup> on 13 January 2014 it ordered the Lebanese Government to disclose the requested information to the Defence, with the exception of information pertaining to

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1 STL, *The Prosecutor v. Ayyash et al.*, STL-11-01/PT/TC, Decision on Motion Filed by Counsel for Mr. Badreddine and Order to Lebanon to Cooperate with the Special Tribunal, 13 January 2014.

2 See STL, *The Prosecutor v. Ayyash et al.*, STL-11-01/PT/PTJ, *Requête de la Défense de M. Badreddine aux fins d'obtenir la coopération du Liban*, 24 October 2013, Annex A, confidential, *ex parte*, reserved for the Defence.

3 STL, *The Prosecutor v. Ayyash et al.*, STL-11-01/PT/PTJ, *Requête de la Défense de M. Badreddine aux fins d'obtenir la coopération du Liban*, 24 October 2013, confidential, *ex parte*, reserved for the Defence; see also the public redacted version (hereinafter the “Request”).

4 STL, *The Prosecutor v. Ayyash et al.*, STL-11-01/PT/PTJ, The Pre-Trial Judge’s Report Prepared Pursuant to Rule 95 (A) of the Rules of Procedure and Evidence, 25 October 2013, confidential (see also the public redacted version of the corrected version, 13 December 2013) and Annex F, confidential, *ex parte*.

[REDACTED], through the Defence Office within 14 days of the notification of that same order.<sup>5</sup>

### III. Request for a supplementary order

4. The Defence requests that ALFA and TOUCH provide the [REDACTED] mentioned in the Request for Assistance [REDACTED]. This request appeared in a footnote to the Request for Assistance,<sup>6</sup> but any indication of this was omitted from the Order. That information would make it possible to [REDACTED].

5. The Defence, furthermore, took due note of the reservations expressed by the Chamber with regard to the period for which the data relating to [REDACTED] was requested on the ground that the Defence had failed to demonstrate how such a broad timescale was relevant to its investigations.<sup>7</sup> The Defence intends at this juncture to explain the relevance of its request. [REDACTED].<sup>8</sup> This therefore concerns [REDACTED]. [REDACTED],<sup>9</sup> while [REDACTED].<sup>10</sup> They are [REDACTED],<sup>11</sup> [REDACTED]. The data being sought are specifically intended to [REDACTED]. It is therefore extremely important for the Defence that [REDACTED] be included in a supplementary order of the Chamber for [REDACTED].

6. The Defence therefore reiterates its request that the Lebanese authorities be ordered, pursuant to Rule 20 (A) of the Rules, to disclose to the Defence:

[REDACTED].

7. In compliance with the instructions of the Chamber,<sup>12</sup> the Defence attaches hereto a draft order written in English for that purpose.<sup>13</sup>

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<sup>5</sup> *Supra*, footnote 1.

<sup>6</sup> *Supra*, footnote 2, p. 2, footnote 2.

<sup>7</sup> Order, para. 18.

<sup>8</sup> [REDACTED].

<sup>9</sup> [REDACTED].

<sup>10</sup> [REDACTED].

<sup>11</sup> [REDACTED].

<sup>12</sup> See, for example, STL, *The Prosecutor v. Ayyash et al.*, STL-11-01, Pre-Trial Conference of 9 January 2014, official public transcript, p. 42.

<sup>13</sup> Confidential Annex, *ex parte*, reserved for the Defence.

**FOR THESE REASONS**  
**Integrated in the disposition,**

8. The Defence respectfully requests the Chamber to issue:
- An order for the disclosure of the information and data mentioned at paragraph 6 of the present request.

Without prejudice

21 May 2014,

[signature]  
**Antoine KORKMAZ**  
Lead Counsel

[signature]  
**John JONES QC**  
Co-counsel

[signature]  
**Iain EDWARDS**  
Co-counsel

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