

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

Registrar: **Mr. Daryl Mundis**

Date: **19 February 2018**

Filing Party: **Prosecutor**

Original language: **English**

Classification: **Confidential with Public Annex A
and Confidential Annex B**

THE PROSECUTOR

v.

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

Skeleton Argument in response to Rule 167 motion by the Oneissi Defence

Office of the Prosecutor:

Mr. Norman Farrell & Mr. Alexander Hugh
Milne

Legal Representatives of 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. Dorothée Le Fraper
du Hellen & Mr. Jad Youssef Khalil

Counsel for Mr. Hussein Hassan Oneissi:

Mr. Vincent Courcelle-Labrousse, Mr. Yasser
Hassan & Ms. Natalie von Wistinghausen

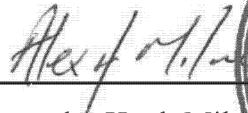
Counsel for Mr. Assad Hassan Sabra:

Mr. David Young, Mr. Geoffrey Roberts
Ms. Sarah Bafadhel

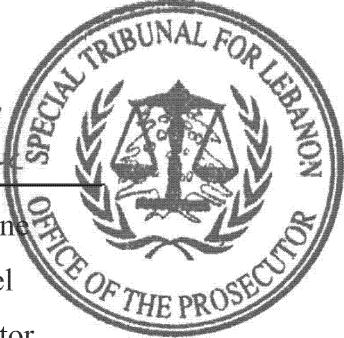


1. The Prosecution appends hereto two skeleton arguments. These are prepared on the direction of the Trial Chamber in response to the filing of a skeleton argument by the Oneissi Defence on Friday 16 February 2018.
2. Prosecution Annex A provides a skeleton addressing the relevant issues and authorities pertinent to the handling of Rule 167 applications. This is of general application, and therefore also relevant to any submissions made by the Ayyash Defence.
3. Prosecution Annex B seeks to address the issues raised by the Oneissi Defence Annex A skeleton argument.
4. The Oneissi Annex B includes lists of authorities from International Criminal Law, Lebanese judicial authorities and 42 listed sections of transcript. Nowhere in Oneissi Annex A or Oneissi Annex B is there any reference to the authorities, or explanation as to the relevance attached to them. In light of this, the Prosecution does not comment upon them or seek to respond, as they currently do not form part of any articulated argument.
5. Oneissi Annex A (the skeleton argument) is an incomplete document, and is described in the Motion as “a work in progress that might be developed further”. The Prosecution can accordingly only respond to the arguments as set out so far, in so far as they can be divined from the Annex A.
6. This filing is Confidential, in light of the status of the Oneissi Defence filing. The Prosecution would be content for it to be refiled publically. Prosecution Annex A is filed publically as it addresses legal issues only. Prosecution Annex B can be refiled publically due course, subject to minor redaction.

Respectfully submitted,



Alexander Hugh Milne
Senior Trial Counsel
Office of the Prosecutor



Dated this 19th day of February 2018
Leidschendam, the Netherlands

Word Count: 269

