The Pre-Trial Judge **Le Juge de la mise en état**

المحكمة الخاصة بلبنان
SPECIAL TRIBUNAL FOR LEBANON
TRIBUNAL SPÉCIAL POUR LE LIBAN

THE PRE-TRIAL JUDGE

Case No.:	**STL-11-01/I**
Before:	**Mr Daniel Fransen**
Registrar:	**Mr Herman von Hebel**
Date:	**8 July 2011**
Original:	**French**
Type of document:	**Confidential**

INTERNATIONAL WARRANT TO ARREST MR HUSSEIN HASSAN ONEISSI INCLUDING TRANSFER AND DETENTION REQUEST

Office of the Prosecutor:
Mr Daniel A. Bellemare, QC

المحكمة الخاصة بلبنان
SPECIAL TRIBUNAL FOR LEBANON
TRIBUNAL SPÉCIAL POUR LE LIBAN

STL Official Translation - Amended

PURL: https://www.legal-tools.org/doc/add3ec/

NOTING the motion of 5 July 2011 from the Prosecutor of the Special Tribunal for Lebanon (the "Prosecutor" and the "Tribunal") requesting the Pre-Trial Judge, pursuant to Article 18 (2) of the Statute of the Tribunal (the "Statute"), to Rules 79 (D) and 84 of the Rules of Procedure and Evidence of the Tribunal (the "Rules") and to Section 4.1 of the Co-operation Agreement between the International Criminal Police Organization – INTERPOL – and the Tribunal (the "Agreement with INTERPOL"), to issue an international arrest warrant against Mr Hussein Hassan Oneissi (the "Accused" or "Mr Oneissi");[1]

NOTING the decision of the Pre-Trial Judge of 28 June 2011 relating to the indictment of 10 June 2011 issued against the Accused (the "Indictment");[2]

NOTING the arrest warrant of 28 June 2011 issued against the Accused and its Annexes transmitted to the competent authorities of the Lebanese Republic;[3]

NOTING Article 18 (2) of the Statute and Rules 68 (J) (i), 77 (A) and 79 (A) of the Rules, according to which the Pre-Trial Judge may, upon request of the Prosecutor, issue a warrant of arrest against the Accused and request his transfer to the Tribunal in order to: (i) ensure his appearance at the proceedings; (ii) ensure that he does not obstruct or endanger the investigation or the court proceedings, for instance by posing a danger to, or intimidating, any victim or witness; and (iii) prevent criminal conduct of a kind of which he stands accused;

NOTING Rules 79 (D) and 84 of the Rules, according to which the Pre-Trial Judge may, upon request of the Prosecutor, issue an international arrest warrant which can be transmitted through an international body, including INTERPOL;

NOTING Rule 82 (A) of the Rules, according to which when a warrant of arrest is transmitted to a State which has agreed to provide cooperation with the Tribunal or to provide it with

[1] Case No. STL-11-01/I/PTJ, Motion for the Issuance of International Arrest Warrants Pursuant to Rules 79 (D) and 84, 5 July 2011 (the "Prosecutor's Motion").
[2] Case No. STL-11-01/I, Decision Relating to the Examination of the Indictment of 10 June 2011 Issued Against Mr Hussein Hassan Oneissi […], 28 June 2011 (the "Decision Relating to the Indictment").
[3] Case No. STL-11-01/I, Warrant to Arrest Mr Hussein Hassan Oneissi Including Transfer and Detention Order, 28 June 2011.

assistance, the national authorities shall act promptly and with all due diligence to ensure the proper and effective execution thereof;

NOTING Rule 82 (B) of the Rules, according to which the Registrar, after consulting with the President, shall transmit the warrant to the appropriate authorities of the States other than those referred to in Rule 82 (A) of the Rules;

CONSIDERING that Mr Oneissi is accused of:

1. conspiracy aimed at committing a terrorist act, as a co-perpetrator;
2. being an accomplice to commit a terrorist act;
3. being an accomplice in the intentional homicide of Rafiq Hariri;
4. being an accomplice in the intentional homicide of 21 persons in addition to Rafiq Hariri;
5. being an accomplice in attempted intentional homicide.

CONSIDERING that, assuming the allegations made against the Accused are substantiated, on the basis of the information provided by the Prosecutor,[4] the detention of the Accused is necessary, in particular for the following reasons:

1. Mr Oneissi is accused of serious offences, in particular, of conspiracy aimed at committing a terrorist act, and of being an accomplice to commit a terrorist act and of intentional homicide with premeditation;
2. The risk that Mr Oneissi might escape justice is proven insofar as he is being prosecuted by this Tribunal for having participated in a conspiracy, one of the aims of which was precisely to escape justice;
3. The risk that Mr Oneissi might obstruct the smooth running of the investigation, in particular by endangering or intimidating potential witnesses, in person or by way of others, is proven insofar as acts of this kind are purported to have already occurred during the investigations conducted by the Prosecutor; and
4. The risk that Mr Oneissi might collude with other persons possibly implicated in the

[4] *Cf.*, in the Annex, Case No. STL-11-01/I/PTJ, Redacted Indictment filed with the Registry of the Tribunal under reference R090808-R090854.

acts imputed to him exists, given that all the alleged perpetrators or accomplices of these acts have not yet been identified or, *a fortiori*, arrested;

CONSIDERING that in light of the above, the risks of collusion, escaping justice, endangering the ongoing investigation, intimidating witnesses and victims or tampering with evidence exist and justify that an international arrest warrant and request to transfer and detain be issued by the Tribunal against the Accused;

NOTING Rule 76 (A) of the Rules, according to which the Indictment shall be formally provided to the authorities of the State in whose territory or under the jurisdiction of which the accused is believed likely to be found, in order for him to be served with the Indictment without delay;

NOTING Rule 83 of the Rules, according to which, after his arrest, "the accused shall be detained by the State concerned, which shall promptly notify the Registrar" and "the transfer […] of the accused to a detention facility of the Tribunal shall be arranged between the State authorities concerned, the Registrar and, if necessary, the authorities of the Host State";

CONSIDERING that, in accordance with the Decision Relating to the Indictment, neither the Indictment, nor the warrant of arrest should be disclosed before the effective arrest of the Accused, except for the purposes of transmitting those documents to the appropriate State authorities.

FOR THESE REASONS,

IN APPLICATION of Article 18 (2) of the Statute, Rules 68 (J) (i), 76, 77 (A), 79 (D), 82 (A) and (B) and 84 of the Rules and Section 4.1 of the Agreement with INTERPOL,

THE PRE-TRIAL JUDGE:

INVITES AND AUTHORISES the competent authorities of all States to search for and arrest in any place where he might be found, to detain and transfer to the Headquarters of the Tribunal:

PURL: https://www.legal-tools.org/doc/add3ec/

HUSSEIN HASSAN ONEISSI, (also known as "Hussein Hassan ISSA") born on 11 February 1974 in Beirut, Lebanon, son of Hassan ONEISSI (also known as "Hassan ISSA") (father) and of Fatima DARWISH (mother), residing at Al-Jamous Street, Ahmad Abbas building, near the Lycée des Arts, in Hadath, South Beirut, a citizen of Lebanon, Lebanese civil registration number 7/Shahour.

INVITES the competent authorities of all States to execute the present arrest warrant and order to transfer at the earliest opportunity;

ORDERS the Registrar of the Tribunal to transmit to the competent authorities of the State which arrests the Accused, in accordance with Rule 82 of the Rules, (1) the present order, (2) a certified copy, bearing the official seal of the Tribunal, of the Indictment as confirmed by the Pre-Trial Judge, in accordance with Rule 68 (K) of the Rules, after redaction by the Prosecutor of any information which does not relate to the Accused, (3) the additional materials filed by the Prosecutor which enable the Accused to be identified, (4) a copy of the statutory provisions and rules that are relevant to the execution of this arrest warrant[5] and (5) a copy of Articles 188, 189, 200, 212, 213, 219, 270, 314, 547 and 549 of the Lebanese Criminal Code and Articles 6 and 7 of the Lebanese Law of 11 January 1958 on "Increasing the penalties for sedition, civil war and interfaith struggle";

INVITES the competent authorities of the State which arrests the Accused to inform him in person, in a language that he understands, of: (1) the arrest warrant and order to transfer, (2) the redacted Indictment issued against him, (3) the copy of the statutory provisions and rules that are relevant to the rights afforded to him and, in particular, Article 16 of the Statute and Rules 65, 66, 67 and 68 of the Rules included herewith, concerning the right to remain silent and the right to be cautioned that any statement he makes shall be recorded and may be used in evidence against him;

[5] Case No. STL-11-01/1/PTJ, Redacted Indictment filed with the Registry of the Tribunal under reference R090808-R090854; Additional Materials filed with the Registry of the Tribunal under reference R090566-R090594.

PURL: https://www.legal-tools.org/doc/add3ec/

INVITES the competent authorities of the State which makes the arrest to immediately inform the Registrar of the Tribunal of the arrest of the Accused and to take the necessary measures for his detention and transfer to the Headquarters of the Tribunal;

ORDERS the Registrar of the Tribunal to take the necessary steps, in consultation with the competent authorities of all the States and of the Kingdom of the Netherlands, to arrange the transfer of the Accused to the Headquarters of the Tribunal; and

REQUESTS the competent authorities of the Kingdom of the Netherlands to take responsibility for the Accused upon his arrival on their territory and to escort him to the detention facility of the Tribunal, in accordance with the measures mutually agreed upon with the Registrar of the Tribunal;

ORDERS that neither the redacted Indictment, nor the warrant of arrest be disclosed before they have been served on the Accused or until further notice, except for the purposes of transmitting those documents to the appropriate State authorities;

AUTHORISES the Prosecutor to request the INTERPOL General Secretariat to issue and circulate INTERPOL notices of all types, including red notices relating to the Accused.

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

Leidschendam, 8 July 2011.

[signature]

Daniel Fransen
Pre-Trial Judge

PURL: https://www.legal-tools.org/doc/add3ec/