



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

BEFORE THE PRE-TRIAL JUDGE
Special Tribunal for Lebanon

Case No: **STL-11-01/I/PTJ**
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THE PROSECUTOR
v.
MUSTAFA AMINE BADREDDINE,
SALIM JAMIL AYYASH,
HUSSEIN HASSAN ONEISSI &
ASSAD HASSAN SABRA

INDICTMENT



Filed by:

The Prosecutor
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Distribution to:

The Registrar
Mr. Herman von Hebel



I. Preamble

1. The Prosecutor of the Special Tribunal for Lebanon, pursuant to the authority stipulated in Articles 1 and 11 of the Statute for the Special Tribunal for Lebanon, charges under Articles 2 and 3 of the Statute, and thereby under the Lebanese Criminal Code¹ and the Lebanese Law of 11 January 1958 on 'Increasing the penalties for sedition, civil war and interfaith struggle'²:

a. **MUSTAFA AMINE BADREDDINE, SALIM JAMIL AYYASH, HUSSEIN HASSAN ONEISSI, and ASSAD HASSAN SABRA, each and together with:**

Count 1 - Conspiracy aimed at committing a Terrorist Act; and

b. **MUSTAFA AMINE BADREDDINE and SALIM JAMIL AYYASH, each and together with:**

Count 2 - Committing a Terrorist Act by means of an explosive device;

Count 3 - Intentional Homicide (of Rafik HARIRI) with premeditation by using explosive materials;

Count 4 - Intentional Homicide (of 21 persons in addition to the Intentional Homicide of Rafik HARIRI) with premeditation by using explosive materials;

Count 5 - Attempted Intentional Homicide (of 231 persons in addition to the Intentional Homicide of Rafik HARIRI) with premeditation by using explosive materials; and

¹ As translated from Arabic into English by the Languages Services Section of the Special Tribunal for Lebanon.

² As translated from Arabic into English by the Languages Services Section of the Special Tribunal for Lebanon.

c. **HUSSEIN HASSAN ONEISSI and ASSAD HASSAN SABRA, each and together with:**

Count 6 - Being an Accomplice to the felony of Committing a Terrorist Act by means of an explosive device;

Count 7- Being an Accomplice to the felony of Intentional Homicide (of Rafik HARIRI) with premeditation by using explosive materials;

Count 8 - Being an Accomplice to the felony of Intentional Homicide (of 21 persons in addition to the Intentional Homicide of Rafik HARIRI with premeditation by using explosive materials; and

Count 9 - Being an Accomplice to the felony of Attempted Intentional Homicide (of 231 persons in addition to the Intentional Homicide of Rafik HARIRI) with premeditation by using explosive materials.

2. The Indictment contains the Prosecutor's allegations concerning the 14 February 2005 attack that killed Rafik HARIRI and 21 others and that resulted in injury to 231 others. As is the case in all criminal proceedings, the Accused are presumed innocent until proven guilty in a court of law.
3. The case against the Accused is built in large part on circumstantial evidence. Circumstantial evidence, which works logically by inference and deduction, is often more reliable than direct evidence, which can suffer from first-hand memory loss or eye-witness distortion. It is a recognised legal principle that circumstantial evidence has similar weight and probative value as direct evidence and that circumstantial evidence can be stronger than direct evidence.

II. The Accused

4. Pursuant to Rule 68(D) of the Rules of Procedure and Evidence of the Special Tribunal for Lebanon, the name and particulars of the Accused persons on this indictment are as follows:

- a. **MUSTAFA AMINE BADREDDINE³ (BADREDDINE)** (also known as 'Mustafa Youssef BADREDDINE', 'Sami ISSA' and 'Elias Fouad SAAB') was born on 6 April 1961 in Al-Ghobeiry, Beirut, Lebanon. He is the son of Amine BADREDDINE (father) and Fatima JEZEINI (mother). His precise address is not known, though he has been associated with: the property of Khalil Al-Raii, Abdallah Al-Hajj Street, Al-Ghobeiry, in South Beirut; and the Al-Jinan Building, Al-Odaimi Street, Haret Hreik, in Beirut. He is a citizen of Lebanon. His Lebanese civil registration number is 341/Al-Ghobeiry. BADREDDINE, under the alias 'Elias Fouad SAAB', was convicted in Kuwait for a series of terrorist acts there on 12 December 1983, where *inter alia* suicide bombers drove trucks loaded with explosives into the French and US embassies. He was sentenced to death but he escaped from prison when Iraq invaded Kuwait in 1990.
- b. **SALIM JAMIL AYYASH⁴ (AYYASH)** was born on 10 November 1963 in Harouf, Lebanon. He is the son of Jamil Dakhil AYYASH (father) and Mahasen Issa SALAMEH (mother). He has resided *inter alia* at: Al-Jamous Street, Tabajah building, Hadath, in South Beirut; and at the AYYASH family compound in Harouf, Nabatiyeh in South Lebanon. He is a citizen of Lebanon. His Lebanese civil registration is 197/Harouf, his Hajj passport number is 059386, and his social security number is 63/690790.
- c. **HUSSEIN HASSAN ONEISSI⁵ (ONEISSI)** (also known as 'Hussein Hassan ISSA') was born on 11 February 1974 in Beirut, Lebanon. He is the son of Hassan ONEISSI (also known as 'Hassan ISSA') (father) and Fatima DARWISH (mother). He has resided in the Ahmad Abbas Building, at Al-Jamous St, near the

³ In Arabic مصطفى امين بدر الدين

⁴ In Arabic سليم جميل عياش

⁵ In Arabic حسين حسن عنيسي, the birth name 'ISSA' having been changed to 'ONEISSI' by judicial declaration on 12 January 2004.

Lycée des Arts, in Hadath, South Beirut. He is a citizen of Lebanon. His Lebanese civil registration is 7/Shahour.

- d. **ASSAD HASSAN SABRA⁶ (SABRA)** was born on 15 October 1976 in Beirut, Lebanon. He is the son of Hassan Tahan SABRA (father) and Leila SALEH (mother). He has resided at apartment 2, 4th floor, Building 28, Rue 58, in Hadath 3, South Beirut, also described as St. Thérèse Street, Hadath, in South Beirut. He is a citizen of Lebanon. His Lebanese civil registration is 1339/Zqaq Al-Blat.
5. The four Accused participated in a conspiracy with others aimed at committing a terrorist act to assassinate Rafik HARIRI and their respective roles may be summarised as follows: **BADREDDINE** served as the overall controller of the operation; **AYYASH** coordinated the assassination team, which was responsible for the physical perpetration of the attack; **ONEISSI** and **SABRA** had the task of preparing the false claim of responsibility, which served to identify the wrong people to investigate, in order to shield the conspirators from justice. As participants in the conspiracy, all four Accused played important roles in the attack on 14 February 2005 and therefore all four bear criminal responsibility for the results of the attack.

⁶ In Arabic, **أسد حسن صبرا**

III. A Concise Statement of the Facts

6. The Prosecutor submits, pursuant to Rule 68(D) of the Rules of Procedure and Evidence of the Special Tribunal for Lebanon, that the following facts have been ascertained during the ongoing investigation.

A. OVERVIEW

7. On 14 February 2005, at 12:55 on Rue Minet el Hos'n in Beirut, Rafik HARIRI, the former Prime Minister of Lebanon, was assassinated as a result of a terrorist act in which a suicide bomber detonated a large quantity of high explosives concealed in a Mitsubishi Canter van. In addition to killing HARIRI, the explosion killed 21 other persons (listed in Schedule A) and injured 231 persons (listed in Schedule B).
8. Shortly after the explosion, Al-Jazeera news network in Beirut received a video with a letter attached on which a man named Ahmad ABU ADASS (ABU ADASS) falsely claimed to be the suicide bomber on behalf of a fictional fundamentalist group called '*Victory and Jihad in Greater Syria*'. The video was later broadcast on television.

B. RAFIK HARIRI

9. Rafik Baha'eddine AL-HARIRI (HARIRI) was born on 1 November 1944 in the city of Sidon, Lebanon. HARIRI served as Prime Minister of Lebanon in five governments from 31 October 1992 to 4 December 1998, and from 26 October 2000 until his resignation on 26 October 2004.
10. From 20 October 2004 until his assassination, HARIRI was a Member of Parliament and a prominent political figure in Lebanon. Upon resigning as Prime Minister in 2004, he started preparing for parliamentary elections to be held in June 2005.
11. In the morning of 14 February 2005, HARIRI departed his residence at Quraitem Palace, in West Beirut, to attend a session of Parliament, located at Place de l'Étoile, Beirut.

12. Shortly before 11:00, HARIRI arrived at Parliament where he met with many Members of Parliament, including his sister, MP Bahia HARIRI, and MP Marwan HAMADEH.
13. Shortly before 12:00, HARIRI left Parliament to go to Café Place de l'Étoile, located nearby where he stayed for approximately 45 minutes.
14. At about 12:45, HARIRI left the Café and asked his security detail to prepare the convoy to go back to his residence for a lunch appointment.
15. At about 12:49, HARIRI entered his armoured vehicle accompanied by MP Bassel FULEIHAN and the convoy then departed the Place de l'Étoile. His security detail had planned to drive back to Quraitem Palace along the coastal road.
16. Approximately 2 minutes ahead of the convoy, the Mitsubishi Canter van slowly moved towards its final position on Rue Minet el Hos'n. As the convoy passed, the suicide bomber detonated the explosives.

C. THE COMMUNICATIONS ANALYSIS

17. The evidence gathered throughout the investigation, including witness statements, documentary evidence and Call Data Records (CDR) for mobile phones in Lebanon has led to the identification of some of the persons responsible for the attack on HARIRI.
18. Call Data Records contain information such as incoming and outgoing phone numbers, the date and time of a call, its duration, call type (whether voice or text message), and the approximate location of mobile phones by reference to the cell-towers which carried a call.

1. MOBILE PHONE NETWORKS

19. Analysis of the CDR has revealed the presence of a number of interconnected mobile phone networks involved in the assassination of HARIRI. Each network consisted of a group of phones, usually registered under false names, which had a high frequency of contact with each other.

20. There are two types of networks, which can be described either as:
- a. 'covert networks' where members only call each other; or
 - b. 'open networks' where members sometimes call others outside the group.
21. The investigation identified five covert and open networks which have been colour-coded as follows:
- a. **Red Network:** a covert network used by the assassination team and consisting of [REDACTED] phones (of which [REDACTED] were particularly active) operational from 4 January 2005, until it ceased all activity 2 minutes before the attack on 14 February 2005. The **Red Network** phones are listed below with their short-names:

Red Network Number	[REDACTED]
Short-name	[REDACTED]

- b. **Green Network:** a group of [REDACTED] phones that formed a covert network from 13 October 2004 until it ceased all activity on 14 February 2005 about one hour before the attack. Two of the **Green Network** phones were used to control and coordinate the attack. The [REDACTED] **Green Network** phones were once part of a group of [REDACTED] phones. The [REDACTED] **Green Network** phones are listed below with their short-names:

Green Network Number	[REDACTED]
Short-name	[REDACTED]

- c. **Blue Phones:** an open network consisting of [REDACTED] phones operational between September 2004 and September 2005. **Blue Phones** were used by the assassination team *inter alia* for preparation of the attack and for surveillance of HARIRI.
- d. **Yellow Phones:** an open network consisting of [REDACTED] phones activated between 1999 and 2003 and operational until 7 January 2005. **Yellow Phones** were over time mostly replaced by **Blue Phone** use.

- e. **Purple Phones:** an open network consisting of [REDACTED] conventionally used phones activated before 2003 and operational until 15 or 16 February 2005. **Purple Phones** were used to coordinate the false claim of responsibility.
22. Some users of the network phones carried and used multiple phones on the different networks.
- a. The analysis of CDR shows many instances where a **Red Network** phone was active at the same location, on the same date, and within the same timeframe as other phones, including a **Green Network** phone and **Blue Phones**. It is reasonable to conclude from these instances that one person is using multiple phones together when over a significant period, the patterns of use for each phone never deviate in an inexplicable manner, the phones are recorded by cell-towers as being together over extensive geographical areas, and the phones do not contact each other. This is called '**CO-LOCATION**'.
 - b. For example, [REDACTED] **Blue Phones** co-located with [REDACTED] **Red Network** phones as follows:

Blue Phones	[REDACTED]
Blue Phones short name	[REDACTED]
Co-located Red Network	[REDACTED]

23. In addition, analysis of CDR shows co-location between network phones and personal mobile phones (PMP).
- a. A PMP is a phone used for day-to-day matters, including contact with family, friends and legitimate business associates. In general, a PMP is therefore used to make calls to people who do not behave in a covert manner and whose identity is more easily traced.
 - b. By identifying and then investigating persons who have been in contact with a PMP, the user of that PMP can be identified.
 - c. Identifying the user of a phone is called '**ATTRIBUTION**'.

24. Once network phones, subscribed under false names, are shown to be co-locating with PMPs, then through attribution of a PMP, a person can ultimately be identified by co-location to be the user of a network phone.

2. THE RED NETWORK IS THE ASSASSINATION TEAM

25. The users of the **Red Network**, [REDACTED] of whom were in the possession of a co-located **Blue** phone, made up the assassination team that killed HARIRI. The [REDACTED]-member assassination team was led by AYYASH and the other [REDACTED] members of that team are unidentified at present. The assassination team conducted surveillance and physically carried out the attack. This can be reasonably concluded from the following:

- a. The **Red Network** was covert in nature and functioned in an organised and disciplined manner because:
 - i. **Red Network** users exclusively called each other;
 - ii. All [REDACTED] **Red Network** phones were activated in the Tripoli area within 30 minutes of each other on 4 January 2005 which shows that its activation was coordinated;
 - iii. The **Red Network** phones were all registered under false names; and
 - iv. Credit was added on all of the **Red Network** phones together in the Tripoli area within 45 minutes of each other on 2 February 2005 which shows that the addition of credit was coordinated.
- b. The location and concomitant movement of **Red Network** phones and **Blue Phones** shows surveillance on HARIRI on at least 15 days before 14 February 2005. Between 11 November 2004 and 14 February 2005, the concomitant movement of the **Red Network** phones and co-locating **Blue Phones**, as evidenced by the timing and location of calls, often coincided with:
 - i. the movements of HARIRI; and
 - ii. locations relating to HARIRI, such as his residence at Quraitem Palace in Beirut or at his villa in Faqra.

- c. The co-located **Blue Phones** show association with the purchase of the Mitsubishi Canter van which occurred in Tripoli on 25 January 2005.
- d. It may be reasonably concluded that the activity of the **Red Network** phones on 14 February 2005 shows the execution of the attack on HARIRI because:
 - i. [REDACTED] of the **Red Network** phones were active in Beirut;
 - ii. The movements of the **Red Network** phones reflect HARIRI's movements, starting from the vicinity of his residence at Quraitem palace in the morning, later moving to the vicinity of Parliament, and then to the vicinity of the St. Georges Hotel where the attack took place;
 - iii. The final 33 calls made by the **Red Network** phones between 11:00 and 12:53 were mostly in the vicinity of Parliament and the St. Georges Hotel;
 - iv. At 12:50 the user of a **Red Network** phone located in the vicinity of Parliament called the user of a **Red Network** phone located in the vicinity of the St. Georges Hotel at the same time as HARIRI left the area of Parliament in his vehicle convoy which coincides with the Mitsubishi Canter van moving into its final position for detonation.
- e. All **Red Network** phones ceased use 2 minutes prior to the attack, by which time the Mitsubishi Canter van had reached its final position. The phones were never used again.
- f. From paragraphs 25(a)-(e) above, it is reasonable to conclude that phone use in the **Red Network** is inconsistent with innocent or coincidental communications and shows instead a coordinated use of these phones to carry out the assassination. Moreover, it is reasonable to conclude that the movement of the Mitsubishi Canter van within 2 minutes of the arrival of the convoy cannot be coincidental and must be the result of a coordination, demonstrable in the **Red Network** usage, between people observing the convoy and the person driving the van.

3. IDENTIFICATION OF THE ACCUSED

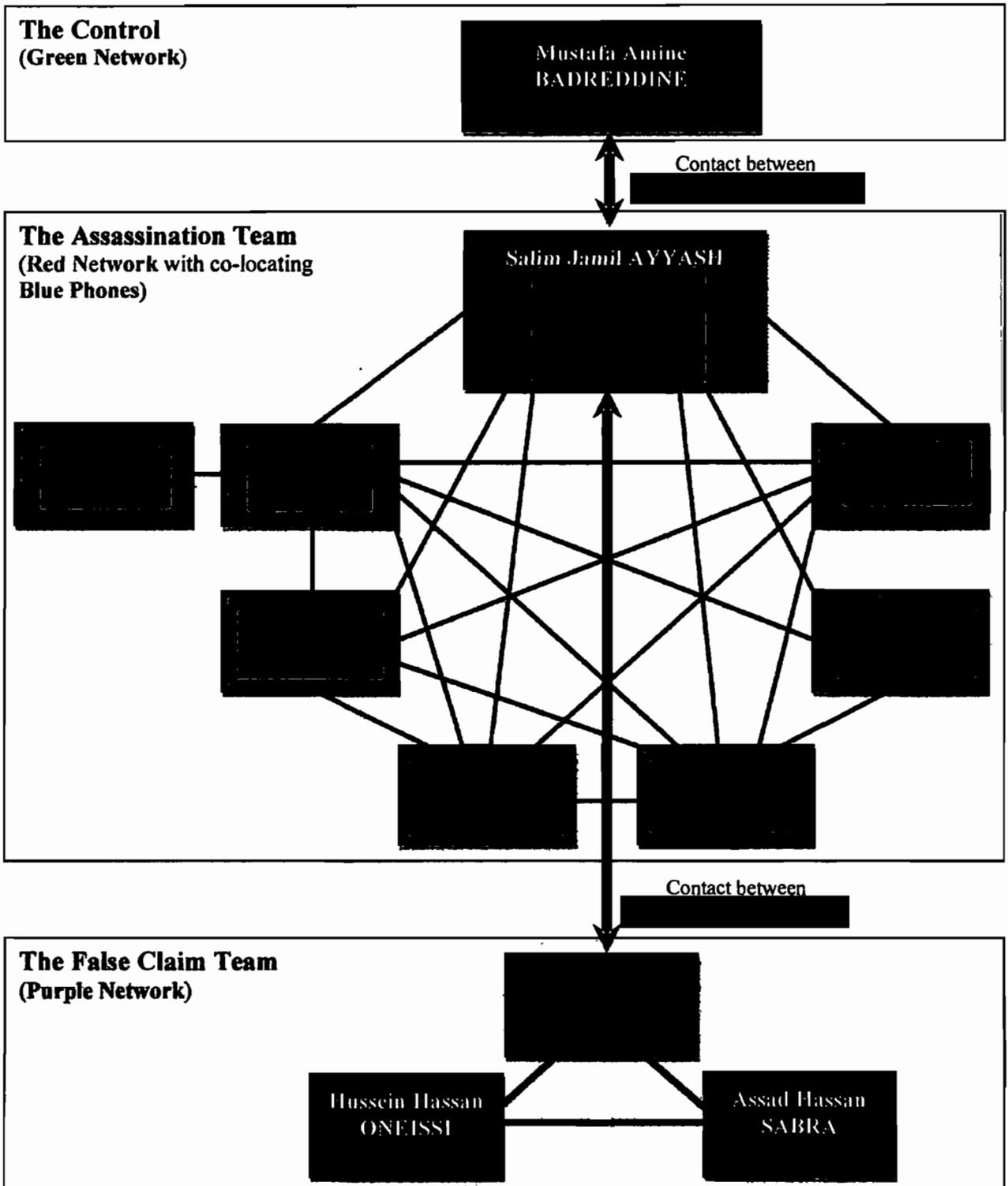
26. Communications analysis, including co-location, witness statements and documentary evidence, identified **Mustafa Amine BADREDDINE, Salim Jamil AYYASH, Hussein Hassan ONEISSI and Assad Hassan SABRA**, amongst others as yet unidentified, as having different roles in the killing of HARIRI and others by a terrorist act.
27. The Accused used various phones before, during and after the attack.
28. **AYYASH** used, over time, at least 8 phones, including a phone in each of the **Red Network, Green Network, Blue Phones and Yellow Phones**, and four PMPs.
- a. His **Red Network** phone was [REDACTED];
 - b. His **Green Network** phone was [REDACTED];
 - c. His **Blue Phone** was [REDACTED];
 - d. His **Yellow Phone** was [REDACTED]; and
 - e. His 4 PMPs were:
 - i. [REDACTED];
 - ii. [REDACTED];
 - iii. [REDACTED]; and
 - iv. [REDACTED];
29. **BADREDDINE** used, over time, at least 8 phones, including one **Green Network** phone and 7 PMPs.
- a. His **Green Network** phone was [REDACTED]; and
 - b. His PMPs were:
 - i. [REDACTED];
 - ii. [REDACTED];

- iii. [REDACTED]
- iv. [REDACTED]
- v. [REDACTED]
- vi. [REDACTED] and
- vii. [REDACTED]

c. Analysis initially attributed some of the PMPs in paragraph 29(b) to a man named 'Sami ISSA'. Further communications analysis and investigation into 'Sami ISSA' revealed that this was a false identity being used by **BADREDDINE**. It can be reasonably concluded that the background of **BADREDDINE** as a man experienced in committing terrorist acts corroborates that 'Sami ISSA' is his alias.

- 30. **ONEISSI** used at least one phone, being a **Purple Phone**, namely [REDACTED]
[REDACTED]
- 31. **SABRA** used at least one phone, being a **Purple Phone**, namely [REDACTED]
[REDACTED]
- 32. By analysing their phone use, the respective role of each Accused in the attack became clear:
 - a. **BADREDDINE** on **Green** [REDACTED] communicated covertly with **AYYASH** on **Green** [REDACTED] and through these calls exercised control over the preparation and execution of the attack carried out by **AYYASH** and the other members of the assassination team.
 - b. **AYYASH**, on both **Red** [REDACTED] and **Blue** [REDACTED] coordinated the assassination team through their respective **Red Network** phones and **Blue Phones**.
 - c. **ONEISSI** on **Purple** [REDACTED] and **SABRA** on **Purple** [REDACTED] communicated with an unidentified person who used the [REDACTED] **Purple** [REDACTED] to report on the progress of the false claim of responsibility. During this period, **AYYASH** on PMP [REDACTED] was also in communication with **Purple** [REDACTED]. It is reasonable to conclude that **AYYASH** was monitoring the false claim preparation.

d. The following section, detailing the Chronology of the Attack, provides greater detail on the role of each of the Accused. A pictorial representation of these relationships appears below:



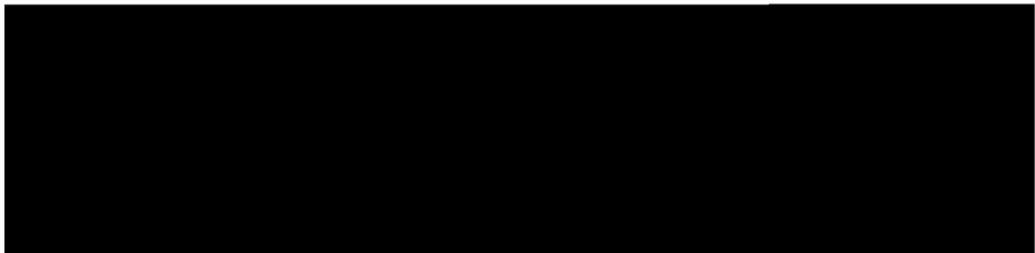
D. CHRONOLOGY OF THE ATTACK

1. Preparations

33. The investigation uncovered evidence that **AYYASH** and other members of the assassination team observed Rafik **HARIRI** on a number of days prior to the attack. By comparing the movements of Rafik **HARIRI** and the concomitant movement of the **Blue Phones** and **Red Network** phones, it is reasonable to conclude that these periods of observation were preparatory steps for the assassination. In short, these parallel movements of **HARIRI** and the **Blue Phones** and **Red Network** phones cannot be explained as mere coincidence.
34. On at least 20 days between 11 November 2004 and 14 February 2005, **AYYASH** and other members of the assassination team, communicating on their **Blue Phones** and **Red Network** phones, carried out acts in preparation for the attack including observation and surveillance, in order to learn the routes and movements of his convoy and the position of **HARIRI**'s vehicle within it. Surveillance occurred on at least 15 days and in particular on 11 November 2004, 1, 7, 14, 20, 28 and 31 January 2005, and 3, 4, 7, 8, 9, 10, 11 and 12 February 2005. By doing so, **AYYASH** and the assassination team determined the most suitable day, location and method for the attack, which they then executed on 14 February 2005.
35. As part of the assassination preparations, between 22 December 2004 and 17 January 2005, **ONEISSI** and **SABRA** were responsible for locating a suitable stranger who would be used to make a false claim of responsibility, on a video, for the attack against **HARIRI**. With **ONEISSI** falsely calling himself 'Mohammed', the person they chose was **ABU ADASS**, a 22-year old Palestinian man, found at the Arab University Mosque of Beirut, also known as 'the Al-Houry Mosque'.
 - a. The activity of **ONEISSI** and **SABRA** is illustrated *inter alia* by the fact that their **Purple Phones**, **Purple** [REDACTED] and **Purple** [REDACTED] registered against the cell-tower covering the mosque on 11 days, being on 22, 29, 30, and 31 December 2004 and 1, 3, 4, 5, 6, 7, and 17 January 2005. **ONEISSI** and **SABRA** would later deliver the video for broadcast, accompanied by a letter in Arabic, after the assassination.

- b. **ONEISSI** and **SABRA** have a history of contact with the unidentified person on **Purple** [REDACTED]. In particular, **SABRA** has been in contact 213 times with **Purple** [REDACTED] between 7 January 2003 and 14 February 2005, and **ONEISSI** 195 times with **Purple** [REDACTED] between 25 June 2003 and 26 January 2005. This pattern of phone usage shows both compartmentalisation and that **Purple** [REDACTED] served as the intermediary between **AYYASH** and **ONEISSI** and **SABRA**.
- c. Between 4 December 2003 and 6 February 2005, the unidentified person on **Purple** [REDACTED] was in contact 32 times with **AYYASH** on **PMP** [REDACTED] **PMP** [REDACTED] and **PMP** [REDACTED] and in particular 7 times on **PMP** [REDACTED] between 23 January 2005 and 6 February 2005.
36. Between 1 January 2005 and 14 February 2005, often during activity by the assassination team, **BADREDDINE** on **Green** [REDACTED] was in contact 59 times with **AYYASH** on **Green** [REDACTED]
37. On 4 January 2005, the [REDACTED] **Red Network** phones were activated in the Tripoli area over a period of approximately 30 minutes. [REDACTED] **Blue Phone** and [REDACTED] **Yellow Phones** were in the vicinity at the time of activation.
38. On 11 January 2005, **AYYASH** visited the area of Al-Beddaoui in Tripoli where vehicle showrooms are located including the one from which the Mitsubishi Canter van would be purchased on 25 January 2005. From the same area, **AYYASH**, on **Green** [REDACTED] contacted **BADREDDINE** twice on **Green** [REDACTED]
39. On 16 January 2005, at about 07:00, **ABU ADASS** left his home to meet with **ONEISSI** calling himself 'Mohammed'. **ABU ADASS** has been missing since that day.

40.



41. On 20 January 2005, HARIRI was scheduled to attend the Grand Mosque of Beirut in the morning but instead attended the Imam Ali Mosque for Eid prayers. All active **Red Network** phones operated for less than one hour in the areas surrounding Quraitem Palace and the Grand Mosque. AYYASH, on Red [REDACTED] participated in the observations on that day.
42. On 25 January 2005, [REDACTED] relevant **Blue Phones** were active, including Blue [REDACTED] belonging to AYYASH who made 16 calls. In particular:
 - a. Between 14:41 and 14:59, AYYASH on Blue [REDACTED] in Beirut was in contact 3 times with a member of the assassination team on Blue [REDACTED] who was in the Tripoli area.
 - b. At 15:10, AYYASH on Green [REDACTED] called BADREDDINE on Green [REDACTED] for 81 seconds.
 - c. Between 15:30 and 16:00, the member of the assassination team on Blue [REDACTED] with another unidentified person, both giving false names, purchased for \$11250 in cash a Mitsubishi Canter van with engine block number 4D33-J01926 from a vehicle showroom in the Al-Beddaoui area of Tripoli. The assassination team later used the vehicle to carry the explosives in the attack.
 - d. At 15:37, the member of the assassination team on Blue [REDACTED] during the purchase negotiations called AYYASH on Blue [REDACTED] for 81 seconds.
 - e. It is a reasonable conclusion from these calls that BADREDDINE authorised the purchase of the Mitsubishi Canter van through AYYASH, and AYYASH then coordinated it.
43. On 28 January 2005, HARIRI stayed at Quraitem Palace throughout the day. The assassination team, using the **Red Network** phones, including AYYASH on Red [REDACTED] operated for more than six hours around Quraitem Palace and HARIRI's residence in Faqra.
44. On 31 January 2005, HARIRI was at Quraitem Palace before going to the Higher Shiite Council, later returning to the Palace. The assassination team, using the **Red Network** phones, were active for less than three hours covering the period before, during and after HARIRI's movements. They were located around Quraitem Palace

and the Higher Shiite Council when HARIRI was present. In both areas and in the same timeframe, AYYASH used Red [REDACTED] Blue [REDACTED] and Green [REDACTED]. In particular, on Green [REDACTED] he was in communication 11 times between 10:49 and 12:07 with BADREDDINE on Green [REDACTED].

45. On 2 February 2005, the credit of the [REDACTED] Red Network phones was topped up in Tripoli over a 45 minute period. In the same vicinity, within 10 minutes of the top-up, one member of the assassination team, on Blue [REDACTED] called another member of the assassination team on Blue [REDACTED]. Later, while travelling back to Beirut, the same member of the assassination team, on Blue [REDACTED] was in communication 3 times with AYYASH in Beirut on Blue [REDACTED].
46. On 3 February 2005, HARIRI had a meeting close to his residence before going to the St. Georges Yacht Club for lunch and later returning to Quraitem Palace. [REDACTED] Red Network phones were active for more than 4 hours and some co-locating Blue Phones for longer. [REDACTED] Red Network phones were active around Quraitem Palace, and [REDACTED] Red Network phones (with [REDACTED] Blue Phones) around the St. Georges Yacht Club at the same time that HARIRI was having lunch there. In particular:
 - a. AYYASH, on Red [REDACTED] was around the St. Georges Yacht Club and in regular contact with other members of the assassination team.
 - b. Between 13:56 and 15:44, AYYASH had contact four times on Green [REDACTED] with BADREDDINE on Green [REDACTED].
 - c. By around 15:44, AYYASH and BADREDDINE were in the same area, in close proximity to HARIRI and to the location that would be used for the attack on 14 February 2005.
47. On 8 February 2005, HARIRI's movements and those of the assassination team are similar to their respective movements on 14 February 2005, being the day of the attack. HARIRI was at Quraitem Palace in the morning before attending Parliament and afterwards returning to the Palace at around 13:45. [REDACTED] Red Network phones and their co-located Blue Phones were mainly active around Quraitem Palace, Parliament and the routes normally used by HARIRI to travel between both locations. In particular:

- a. **AYYASH** was active on **Red** [REDACTED], **Blue** [REDACTED], **Green** [REDACTED] and on his **PMP** [REDACTED] and **PMP** [REDACTED], at relevant locations, in particular around Parliament and where the attack would take place on 14 February 2005.
- b. At 13:40 and 15:05, **AYYASH** on **Green** [REDACTED] was twice in communication with **BADREDDINE** on **Green** [REDACTED].

2. The Attack

48. On 14 February 2005, the assassination team consisting of **AYYASH** and [REDACTED] others positioned themselves in locations where they were able to track and observe **HARIRI**'s convoy from his residence at Quraitem Palace in Beirut to Parliament and thereafter, travelling back to his residence, into the area of the St. Georges Hotel. They kept in frequent contact with each other on their **Red Network** phones and their co-located **Blue Phones**. In particular, there were 33 calls within the **Red Network** between 11:00 and 12:53. Significant calls included:

- a. At 11:58, **AYYASH**, on **Green** [REDACTED] while positioned close to the area of the St. Georges Hotel, contacted **BADREDDINE** on **Green** [REDACTED] for 14 seconds. The **Green Network** phones were never used again. It is reasonable to conclude from this last **Green Network** call that **BADREDDINE** issued the final authorisation for the attack.
- b. At 12:50:34, as **HARIRI** was leaving Parliament to drive home, **Red** [REDACTED] located near Parliament, called for 5 seconds to **Red** [REDACTED] located near the St. Georges Hotel and near the Mitsubishi Canter van. Immediately after, at 12:50:55, **Red** [REDACTED] then called **AYYASH** on **Red** [REDACTED] for 10 seconds who was located between Parliament and the St. Georges Hotel. At around this time, from a location close to **AYYASH**, the van began moving towards the St. Georges Hotel. It is reasonable to conclude from these calls that the assassination team member on **Red** [REDACTED] informed **AYYASH** and another member on **Red** [REDACTED] of **HARIRI**'s departure from Parliament so that the van could move into its final position for attack.
- c. At 12:53, the last ever call within the **Red Network** took place, from **Red** [REDACTED] in the area of Parliament to **Red** [REDACTED] nearby. By that time, all members of the assassination team had been informed of **HARIRI**'s final movements.

49. On 14 February 2005, at about 12:52, closed-circuit TV footage shows the Mitsubishi Canter van move slowly towards the St. Georges Hotel.
50. On 14 February 2005, at about 12:55, a male suicide bomber detonated a large quantity of high explosives concealed in the cargo area of the Mitsubishi Canter van with engine block number 4D33-J01926, killing HARIRI as his convoy of six vehicles on Rue Minet el Hos'n passed the St. Georges Hotel.
51. The explosion took place on a busy public street and was enormous and terrifying. Forensic examination has established the quantity of explosives was approximately 2500 kilogrammes of TNT (trinitrotoluene) equivalent. In addition to HARIRI, 8 members of his convoy and 13 members of the public were killed. Not including the suicide bomber, the explosion killed a total of 22 persons. Due to the size of the explosion, the attack attempted to kill a further 231 persons who were injured, and also caused partial destruction of the St. Georges Hotel and nearby buildings.
52. Fragments of the suicide bomber were recovered at the scene and forensic examination has established both that the remains were: (a) of a male, and (b) not of ABU ADASS. The identity of the suicide bomber remains unknown.

3. Delivery of the Video

53. Starting about 75 minutes after the attack, **ONEISSI** and **SABRA** made a total of 4 calls to the offices of the Reuters and Al-Jazeera news networks in Beirut. All 4 phone calls were made using the same prepaid Telecard 6162569 from 4 different public payphones:
 - a. At about 14:11, **ONEISSI** or **SABRA**, both acting together, claimed to Reuters that a fictional fundamentalist group called '*Victory and Jihad in Greater Syria*' executed the attack.
 - b. At about 14:19, **ONEISSI** or **SABRA**, both acting together, uttered into the phone to Al-Jazeera a claim of responsibility from '*Victory and Jihad in Greater Syria*', a report of which was broadcast shortly after.
 - c. At about 15:27, **SABRA** called Al-Jazeera and gave information on where to find a videocassette which had been placed in a tree at the ESCWA Square near the

Al-Jazeera offices at Shakir Ouayeh building, Beirut. **ONEISSI** was watching the location to confirm receipt by Al-Jazeera of the videocassette. On the video, **ABU ADASS** claimed responsibility for the attack, that it was in support of 'Mujahidin' in Saudi Arabia, and that further attacks would follow. Attached to the videocassette was a letter in Arabic which stated *inter alia* that **ABU ADASS** was the suicide bomber.

- d. At about 17:04, **ONEISSI** or **SABRA**, both acting together, demanded with menace that Al-Jazeera broadcast the video, which was done shortly after.
54. On 14 February 2005, **ONEISSI** and **SABRA** delivered the **ABU ADASS** videocassette while using their **Purple Phones** close to the public payphones which they used to call Reuters and Al Jazeera and close to the tree in which the videocassette was hidden.
55. On 14 February 2005, between about 14:03 and 17:24, before, between and after these 4 public payphones calls to the news networks, **SABRA** on **Purple** [REDACTED] was in contact with the unidentified person on **Purple** [REDACTED] on 7 occasions.
56. On 15 February 2005, **Purple** [REDACTED] ceased being used.
57. On 16 February 2005, **ONEISSI's Purple** [REDACTED] and **SABRA's Purple** [REDACTED] ceased being used.

E. THE CRIMINAL AGREEMENT

1. The Conspiracy

58. The facts as outlined above show that a conspiracy had come into existence by sometime between at least 11 November 2004 and 16 January 2005. In the conspiracy, **BADREDDINE, AYYASH, ONEISSI** and **SABRA**, together with others as yet unidentified, including the assassination team and the person on **Purple** [REDACTED] agreed to commit a terrorist act by means of an explosive device in order to assassinate **HARIRI**.
- a. The conspiracy began sometime between at least 11 November 2004 and 16 January 2005, and was executed on 14 February 2005. This is because:

- i. On 11 November 2004 two unidentified conspirators, using **Blue Phones**, carried out the first detected surveillance of HARIRI; and
 - ii. By 16 January 2005 the **Red Network** had been established and ABU ADASS was missing; while
 - iii. The conspiracy was then executed on 14 February 2005 with the attack on HARIRI.
 - b. **BADREDDINE**, as the controller, **AYYASH**, as the assassination team coordinator, and the other members of the assassination team were early members of the conspiracy.
 - c. **ONEISSI** and **SABRA** together with the unidentified person on **Purple** [REDACTED] joined the conspiracy at the latest by between 22 December 2004 and 16 January 2005 with the task of preparing the false claim of responsibility. This timeframe starts on 22 December 2004 because *inter alia* the **Purple Phones** of **ONEISSI** and **SABRA** were then active around the Arab University Mosque of Beirut where ABU ADASS prayed. In the conspiracy, they agreed to act as accomplices performing supporting tasks for the assassination, namely:
 - i. to seek a suitable individual, later identified as ABU ADASS, who would be used to make a false claim of responsibility, on a video, for the attack against HARIRI; and,
 - ii. to deliver the video, with a letter attached, for broadcast after the assassination.
59. All four Accused are supporters of Hezbollah, which is a political and military organisation in Lebanon.
- a. In the past, the military wing of Hezbollah has been implicated in terrorist acts. Persons trained by the military wing have the capability to carry out a terrorist attack, whether or not on its behalf.
 - b. **BADREDDINE** and **AYYASH** are related to each other through marriage and together to a certain Imad MUGHNIYAH: they are brothers-in-law. Imad

MUGNIYAH was a founding member of Hezbollah and in charge of its military wing from 1983 until he was killed in Damascus on 12 February 2008. He was wanted internationally for terrorist offences.

- c. Based on their experience, training and affiliation with Hezbollah, therefore, it is reasonable to conclude that **BADREDDINE** and **AYYASH** had the capability to undertake the 14 February 2005 attack.
60. All who concluded or joined the criminal agreement were perpetrators of the conspiracy against state security. **BADREDDINE**, **AYYASH**, and the assassination team, were perpetrators of the substantive offences of committing a terrorist act, intentional homicide of **HARIRI**, and of 21 others, and attempted intentional homicide of 231 others. **ONEISSI**, **SABRA**, and the unidentified person on **Purple** [REDACTED] were accomplices to the above substantive offences by preparing and delivering the false claim of responsibility.
61. It is reasonable to conclude that the aim of the conspiracy, to which all conspirators knowingly agreed, was to commit a terrorist act by detonating a large quantity of explosives in a public place, in order to kill **HARIRI**.
62. The conspirators had two additional goals, namely:
- a. To create a false claim of responsibility on behalf of a fictional fundamentalist group named '*Victory and Jihad in Greater Syria*', to identify the wrong people to investigate, and so shield the conspirators from justice; and
 - b. By doing so, to add to the state of terror, by raising in the mind of the population insecurity and fear of further indiscriminate public attack.

2. Blaming Others

63. Phone use shows that the conspirators, including **AYYASH** and other members of the assassination team, as well as the false claim team, were centred in South Beirut.
64. To create a false trail away from Beirut, the conspirators chose Tripoli for certain traceable acts, such as:

- a. On 4 January 2005, the [REDACTED] Red Network phones were first activated, including the number used by AYYASH, traceably in Tripoli.
 - b. [REDACTED]
 - c. On 25 January 2005, the device employed to carry the explosives for the terrorist act, namely the Mitsubishi Canter van, was traceably purchased in Tripoli.
 - d. On 2 February 2005, the credit of each of the [REDACTED] Red Network phones was traceably topped up in Tripoli.
65. The conspirators expected that the false trail, together with the false claim of responsibility by ABU ADASS, would cause the authorities to investigate others in Tripoli, and so shield the conspirators from justice by shifting attention away from Beirut.

IV. The Counts

66. WHEREFORE, pursuant to Rule 68(D) of the Rules of Procedure and Evidence of the Special Tribunal for Lebanon, the Prosecutor charges the Accused persons with the following counts:

COUNT ONE

Statement of Offence

67. **Conspiracy aimed at committing a Terrorist Act,**
- a. pursuant to Articles 188, 212, 213, 270, and 314 of the Lebanese Criminal Code, and
 - b. Articles 6 and 7 of the Lebanese Law of 11 January 1958 on 'Increasing the penalties for sedition, civil war and interfaith struggle', and
 - c. Article 3(1)(a) of the Statute of the Special Tribunal for Lebanon.

Particulars of Offence

68. **MUSTAFA AMINE BADREDDINE, SALIM JAMIL AYYASH, HUSSEIN HASSAN ONEISSI, and ASSAD HASSAN SABRA,**
- a. between at least the eleventh day of November 2004 and the sixteenth day of January 2005,
 - b. together with others unidentified,
 - c. each bearing individual criminal responsibility as co-perpetrators with shared intent,
 - d. concluded or joined an agreement, aimed at committing a terrorist act intended to cause a state of terror by a predetermined means liable to create a public danger,
 - e. namely by the assassination by means of a large explosive device in a public place of the former Prime Minister, and leading political figure, Rafik HARIRI,

- f. which intentionally with premeditation should,
- g. or they foresaw and accepted the risk would,
- h. kill and attempt to kill others in the immediate vicinity of the explosion, and cause the partial destruction of buildings,
- i. all of which they agreed as two additional goals of the said conspiracy
 - i. to blame falsely on others in a fictional fundamentalist group so to shield themselves from justice, and
 - ii. to add to the state of terror, by raising in the mind of the population insecurity and fear of further indiscriminate public attack,
- j. and in so doing thereby, together they committed a conspiracy against state security.

COUNT TWO

Statement of Offence

69. **Committing a Terrorist Act by means of an explosive device,**
- a. pursuant to Articles 188, 212, 213, and 314 of the Lebanese Criminal Code, and
 - b. Article 6 of the Lebanese Law of 11 January 1958 on 'Increasing the penalties for sedition, civil war and interfaith struggle', and
 - c. Article 3(1)(a) of the Statute of the Special Tribunal for Lebanon.

Particulars of Offence

70. **MUSTAFA AMINE BADREDDINE and SALIM JAMIL AYYASH,**
- a. on the fourteenth day of February 2005,
 - b. together with others unidentified,

- c. each bearing individual criminal responsibility as co-perpetrators with shared intent,
- d. committed a terrorist act intended to cause a state of terror by a means liable to create a public danger,
- e. namely by the assassination by means of a large explosive device in a public place of the former Prime Minister, and leading political figure, Rafik HARIRI,
- f. thereby bringing about the detonation at 12:55 on the fourteenth day of February 2005 at Rue Minet el Hos'n, Beirut, Lebanon, being a public street, of approximately 2500 kilogrammes of TNT equivalent,
- g. and, it being an aggravating circumstance that, in so doing,
 - i. resulting in the deaths of Rafik HARIRI and 21 other persons, and
 - ii. in the partial destruction of the St. Georges Hotel and nearby buildings,
- h. while also attempting to kill 231 other persons.

COUNT THREE

Statement of Offence

71. **Intentional Homicide (of Rafik HARIRI) with premeditation by using explosive materials,**
- a. pursuant to Articles 188, 212, 213, 547 and 549(1) and (7), of the Lebanese Criminal Code, and
 - b. Article 3(1)(a) of the Statute of the Special Tribunal for Lebanon.

Particulars of Offence

72. **MUSTAFA AMINE BADREDDINE and SALIM JAMIL AYYASH,**
- a. on the fourteenth day of February 2005,

- b. together with others unidentified,
- c. each bearing individual criminal responsibility as co-perpetrators with shared intent,
- d. committed the intentional homicide of Rafik HARIRI,
- e. in the aggravating circumstance of
 - i. premeditation, and
 - ii. by bringing about the detonation at 12:55 at Rue Minet el Hos'n, Beirut, Lebanon, of explosive materials of approximately 2500 kilogrammes of TNT equivalent.

COUNT FOUR

Statement of Offence

73. **Intentional Homicide** (of 21 persons in addition to the Intentional Homicide of Rafik HARIRI) **with premeditation by using explosive materials,**
- a. pursuant to Articles 188, 189, 212, 213, 547 and 549(1) and (7) of the Lebanese Criminal Code, and
 - b. Article 3(1)(a) of the Statute of the Special Tribunal for Lebanon.

Particulars of Offence

74. **MUSTAFA AMINE BADREDDINE and SALIM JAMIL AYYASH,**
- a. on the fourteenth day of February 2005,
 - b. (or subsequently as a result of injuries sustained on the fourteenth day of February 2005),
 - c. together with others unidentified,
 - d. each bearing individual criminal responsibility as co-perpetrators,

- e. by using a large quantity of explosive materials in a public place with shared intent and premeditation to commit the intentional homicide of former Prime Minister, and leading political figure, Rafik HARIRI, within his motor convoy,
- f. in addition, either intending to kill members of the said convoy and members of the general public in the vicinity,
- g. or by reason of foreseeing and accepting the risk that deaths would occur within the said motor convoy and among the general public in the vicinity,
- h. by then bringing about the detonation at 12:55 at Rue Minet el Hos'n, Beirut, Lebanon, being a public street, of approximately 2500 kilogrammes of TNT equivalent,
- i. thereby with shared intent,
- j. and in the aggravating circumstance of
 - i. premeditation, and
 - ii. by bringing about the said detonation of explosive materials,
- k. committed the intentional homicide, as named alphabetically in Schedule A,
- l. of eight members of the said convoy, namely:
 - 1. Yahya Mustafa AL-ARAB,
 - 2. Omar Ahmad AL-MASRI,
 - 3. Mazen Adnan AL-ZAHABI,
 - 4. Mohammed Saadeddine DARWISH,
 - 5. Bassel Farid FULEIHAN (who died on 18 April 2005 as a result of injuries sustained on 14 February 2005),
 - 6. Mohammed Riyadh Hussein GHALAYEENI,
 - 7. Talal Nabih NASSER, and
 - 8. Ziad Mohammed TARRAF;
- m. and of thirteen members of the general public, namely:
 - 1. Joseph Emile AOUN,

2. Zahi Halim ABU RJEILY (who died on 15 February 2005 as a result of injuries sustained on 14 February 2005),
3. Mahmoud Saleh AL-HAMAD AL-MOHAMMED,
4. Mahmoud Saleh AL-KHALAF,
5. Sobhi Mohammed AL-KHODR,
6. Rima Mohammed Raif BAZZI,
7. Abdo Tawfik BOU FARAH,
8. Yamama Kamel DAMEN,
9. Abd Al-Hamid Mohammed GHALAYEENI,
10. Rawad Hussein Suleiman HAIDAR,
11. Farhan Ahmad ISSA,
12. Alaa Hassan OSFOUR, and
13. Haitham Khaled OTHMAN (who died on 15 February 2005 as a result of injuries sustained on 14 February 2005).

COUNT FIVE

Statement of Offence

75. **Attempted Intentional Homicide** (of 231 persons in addition to the Intentional Homicide of Rafik HARIRI) **with premeditation by using explosive materials**,
 - a. pursuant to Articles 188, 189, 200, 212, 213, 547, and 549(1) and (7) of the Lebanese Criminal Code, and
 - b. Article 3(1)(a) of the Statute of the Special Tribunal for Lebanon.

Particulars of Offence

76. **MUSTAFA AMINE BADREDDINE and SALIM JAMIL AYYASH**,
 - a. on the fourteenth day of February 2005,
 - b. together with others unidentified,
 - c. each bearing individual criminal responsibility as co-perpetrators,

- d. by using a large quantity of explosive materials in a public place with shared intent and premeditation to commit the intentional homicide of former Prime Minister, and leading political figure, Rafik HARIRI, within his motor convoy,
- e. in addition, either intending to kill members of the said convoy and members of the general public in the vicinity,
- f. or by reason of foreseeing and accepting the risk that deaths would occur within the said motor convoy and among the general public in the vicinity,
- g. by then bringing about the detonation at 12:55 at Rue Minet el Hos'n, Beirut, Lebanon, of approximately 2500 kilogrammes of TNT equivalent,
- h. thereby, with shared intent,
- i. and in the aggravating circumstance of
 - i. premeditation, and
 - ii. by bringing about the said detonation of explosive materials,
- j. in so causing injury in the explosion to persons from the said convoy and general public, attempted to commit the intentional homicide of 231 other persons, as named alphabetically in Schedule B.

COUNT SIX

Statement of Offence

77. **Being an Accomplice to the felony of Committing a Terrorist Act by means of an explosive device,**
- a. pursuant to Articles 188, 219(4) and (5), and 314 of the Lebanese Criminal Code, and
 - b. Article 6 of the Lebanese Law of 11 January 1958 on 'Increasing the penalties for sedition, civil war and interfaith struggle', and
 - c. Article 3(1)(a) of the Statute of the Special Tribunal for Lebanon.

Particulars of Offence

78. **HUSSEIN HASSAN ONEISSI and ASSAD HASSAN SABRA,**
- a. between not later than the sixteenth day of January 2005 and the fourteenth day of February 2005,
 - b. knowing that others as co-perpetrators intended to, and on the fourteenth day of February 2005 then did,
 - c. commit a terrorist act intended to cause a state of terror by a means liable to create a public danger, namely by means of a large explosive device in a public place;
 - d. which the co-perpetrators agreed as two additional goals:
 - i. to blame falsely on others in a fictional fundamentalist group so to shield themselves from justice; and
 - ii. to add to the state of terror, by raising in the mind of the population insecurity and fear of further indiscriminate public attack;
 - e. **ONEISSI and SABRA,** knowing the intent of the said co-perpetrators to commit the said terrorist act,
 - f. together with shared intent,
 - i. each bearing individual criminal responsibility and participating as an accomplice to the terrorist act, and
 - ii. each aiding and abetting the co-perpetrators of the felony,
 - g. agreed with the co-perpetrators to perform, and then performed, acts preparatory to the offence, and acts to shield the co-perpetrators and themselves from justice, which would falsely blame others in a fictional fundamentalist group so as to add to the state of terror, as follows:
 - i. as preparatory to the offence, by identifying and then using a 22-year old Palestinian man named Ahmad ABU ADASS in order to create a false

claim of responsibility from him on video for the forthcoming offence on behalf of a group called '*Victory and Jihad in Greater Syria*'; and

- ii. as acts to shield the co-perpetrators and themselves from justice, by then ensuring the video, with the attached letter, of the false claim of responsibility would be broadcast on the television in Lebanon immediately after the said offence.

COUNT SEVEN

Statement of Offence

79. **Being an Accomplice to the felony of Intentional Homicide (of Rafik HARIRI) with premeditation by using explosive materials,**
 - a. pursuant to Articles 188, 219(4) and (5), 547, and 549(1) and (7) of the Lebanese Criminal Code, and
 - b. Article 3(1)(a) of the Statute of the Special Tribunal for Lebanon.

Particulars of Offence

80. **HUSSEIN HASSAN ONEISSI and ASSAD HASSAN SABRA,**
 - a. between not later than the sixteenth day of January 2005 and the fourteenth day of February 2005,
 - b. knowing that others as co-perpetrators intended to, and on the fourteenth day of February 2005 then did,
 - c. commit with premeditation by using explosive materials the intentional homicide of the former Prime Minister, and leading political figure, Rafik HARIRI;
 - d. which the co-perpetrators agreed as two additional goals:
 - i. to blame falsely on others in a fictional fundamentalist group so to shield themselves from justice; and

- ii. to add to the state of terror, by raising in the mind of the population insecurity and fear of further indiscriminate public attack;
- e. **ONEISSI and SABRA**, knowing the intent of the said co-perpetrators to commit the said intentional homicide of Rafik HARIRI,
- f. together with shared intent,
 - i. each bearing individual criminal responsibility and participating as an accomplice to the intentional homicide of Rafik HARIRI, and
 - ii. each aiding and abetting the co-perpetrators of the felony,
- g. agreed with the co-perpetrators to perform, and then performed, acts preparatory to the offence, and acts to shield the co-perpetrators and themselves from justice, which would falsely blame others in a fictional fundamentalist group so as to add to the state of terror, as follows:
 - i. as preparatory to the offence, by identifying and then using a 22-year old Palestinian man named Ahmad ABU ADASS in order to create a false claim of responsibility from him on video for the forthcoming offence on behalf of a group called '*Victory and Jihad in Greater Syria*'; and
 - ii. as acts to shield the co-perpetrators and themselves from justice, by then ensuring the video, with the attached letter, of the false claim of responsibility would be broadcast on the television in Lebanon immediately after the said offence.

COUNT EIGHT

Statement of Offence

81. **Being an Accomplice to the felony of Intentional Homicide** (of 21 persons in addition to the Intentional Homicide of Rafik HARIRI) **with premeditation by using explosive materials,**

- a. pursuant to Articles 188, 189, 219(4) and (5), 547 and 549(1) and (7) of the Lebanese Criminal Code, and
- b. Article 3(1)(a) of the Statute of the Special Tribunal for Lebanon.

Particulars of Offence

82. HUSSEIN HASSAN ONEISSI and ASSAD HASSAN SABRA,

- a. between not later than the sixteenth day of January 2005 and the fourteenth day of February 2005,
- b. knowing that others as co-perpetrators intended to, and on the fourteenth day of February 2005 then did,
- c. commit with premeditation by using explosive materials the intentional homicide of the former Prime Minister, and leading political figure, Rafik HARIRI,
- d. which in addition, as shown by the large quantity of explosive materials used, they intended, or foresaw and accepted the risk, that this act would kill others in the vicinity of the explosion,
- e. and who thereby committed the intentional homicide of 21 others,
- f. which the said co-perpetrators agreed as two additional goals:
 - i. to blame falsely on others in a fictional fundamentalist group so to shield themselves from justice; and
 - ii. to add to the state of terror, by raising in the mind of the population insecurity and fear of further indiscriminate public attack;
- g. ONEISSI and SABRA, knowing the intent of the said co-perpetrators to kill others in addition to killing Rafik HARIRI,
- h. together with shared intent,
 - i. each bearing individual criminal responsibility and participating as an accomplice to the intentional homicide of 21 others, and

- ii. each aiding and abetting the co-perpetrators of the felony,
- i. agreed with the said co-perpetrators to perform, and then performed, acts preparatory to the offence, and acts to shield the co-perpetrators and themselves from justice, which would falsely blame others in a fictional fundamentalist group so as to add to the state of terror, as follows:
 - i. as preparatory to the offence, by identifying and then using a 22-year old Palestinian man named Ahmad ABU ADASS in order to create a false claim of responsibility from him on video for the forthcoming offence on behalf of a group called '*Victory and Jihad in Greater Syria*'; and
 - ii. as acts to shield the co-perpetrators and themselves from justice, by then ensuring the video, with the attached letter, of the false claim of responsibility would be broadcast on the television in Lebanon immediately after the said offence.

COUNT NINE

Statement of Offence

83. **Being an Accomplice to the felony of Attempted Intentional Homicide** (of 231 persons in addition to the Intentional Homicide of Rafik HARIRI) **with premeditation by using explosive materials,**
- a. pursuant to Articles 188, 189, 200, 219(4) and (5), 547 and 549(1) and (7) of the Lebanese Criminal Code, and
 - b. Article 3(1)(a) of the Statute of the Special Tribunal for Lebanon.

Particulars of Offence

84. **HUSSEIN HASSAN ONEISSI and ASSAD HASSAN SABRA,**
- a. between not later than the sixteenth day of January 2005 and the fourteenth day of February 2005,

- b. knowing that others as co-perpetrators intended to, and on the fourteenth day of February 2005 then did,
- c. commit with premeditation by using explosive materials the intentional homicide of the former Prime Minister, and leading political figure, Rafik HARIRI,
- d. which in addition, as shown by the large quantity of explosive materials used, they intended, or foresaw and accepted the risk, that this act would attempt to kill others in the vicinity of the explosion,
- e. and who thereby committed the attempted intentional homicide of 231 others,
- f. which the said co-perpetrators agreed as two additional goals:
 - i. to blame falsely on others in a fictional fundamentalist group so to shield themselves from justice; and
 - ii. to add to the state of terror, by raising in the mind of the population insecurity and fear of further indiscriminate public attack;
- g. **ONEISSI** and **SABRA**, knowing the intent of the said co-perpetrators to attempt to kill others in addition to killing Rafik HARIRI,
- h. together with shared intent,
 - i. each bearing individual criminal responsibility and participating as an accomplice to the attempted intentional homicide of 231 others, and
 - ii. each aiding and abetting the co-perpetrators of the felony,
- i. agreed with the said co-perpetrators to perform, and then performed, acts preparatory to the offence, and acts to shield the co-perpetrators and themselves from justice, which would falsely blame others in a fictional fundamentalist group so as to add to the state of terror, as follows:
 - i. as preparatory to the offence, by identifying and then using a 22-year old Palestinian man named Ahmad ABU ADASS in order to create a false claim of responsibility from him on video for the forthcoming offence on behalf of a group called '*Victory and Jihad in Greater Syria*'; and

- ii. as acts to shield the co-perpetrators and themselves from justice, by then ensuring the video, with the attached letter, of the false claim of responsibility would be broadcast on the television in Lebanon immediately after the said offence.

[Redacted]
Original signed

D.A. Bellemare, MSM QC
The Prosecutor

This 10th day of June 2011,
Leidschendam, The Netherlands

9384
Word Count



Schedule A

Below is an alphabetical list of 21 other persons intentionally or foreseeably killed as a direct consequence of the public explosion on 14 February 2005 intended to kill the former Prime Minister Rafik HARIRI, and who Counts 4 and 8 plead were each and collectively subject to intentional homicide with premeditation.

In addition to Rafik HARIRI, eight members of Rafik HARIRI's motor convoy were killed, (following in alphabetical order):

1. **Yahya Mustafa Al-Arab** [REDACTED]
[REDACTED]; died 14 February 2005, cause of death - burns due to an explosion.
2. **Omar Ahmad Al-Masri** [REDACTED]
[REDACTED] died 14 February 2005, cause of death - (not provided on death certificate).
3. **Mazen Adnan Al-Zahabi**, [REDACTED]
[REDACTED]; died 14 February 2005, cause of death - burns to more than 90% of the body due to an explosion.
4. **Mohammed Saadeddine Darwish**, [REDACTED]
[REDACTED]; died 14 February 2005, cause of death - heart attack due to explosion of 14 February 2005 and burns to entire body.
5. **Bassel Farid Fuleihan**, [REDACTED]
[REDACTED] Mr. Fuleihan was a Member of Parliament who was travelling with Mr. HARIRI. He initially survived the explosion but received third degree burns to 96% of his body. He was flown to Paris for emergency treatment. He remained in hospital in a coma for 60 days before he died on 18 April 2005.
6. **Mohammed Riyadh Hussein Ghalayeeni**, [REDACTED]
[REDACTED]; died 14 February 2005, cause of death - burns due to an explosion.

7. **Talal Nabih Nasser,** [REDACTED]
[REDACTED] died 14 February 2005, cause of death - burns
due to an explosion.

8. **Ziad Mohammed Tarraf,** [REDACTED]
[REDACTED]; died 14 February
2005, cause of death - burns due to an explosion.

**In addition, thirteen public bystanders were also killed (following in alphabetical
order):**

9. **Joseph Emile Aoun,** [REDACTED]
[REDACTED] died 14 February
2005, cause of death - crushed and disfigured in explosion.

10. **Zahi Halim Abu Rjeily,** [REDACTED]
[REDACTED] died 15 February 2005,
cause of death - blockage of the respiratory tract as a result of the heavy accumulation
of debris due to an explosion in the St. Georges area.

11. **Mahmoud Saleh Al-Hamad Al-Mohammed,** [REDACTED]
[REDACTED]
[REDACTED] died 14 February 2005, cause of death - explosion leading to death.

12. **Máhmoud Saleh Al-Khalaf,** [REDACTED]
[REDACTED] died 14
February 2005, cause of death - explosion leading to death.

13. **Sobhi Mohammed Al-Khodr,** [REDACTED]
[REDACTED] died 14 February 2005.

14. **Rima Mohammed Raif Bazzi,** [REDACTED]
[REDACTED] died 14 February
2005, cause of death - multiple injuries caused by the St. George's explosion.

15. **Abdo Tawfik Bou Farah,** [REDACTED]
[REDACTED] died 14

February 2005, cause of death - explosion of the brain as a result of shattering of the skull due to a bomb explosion.

16. Yamama Kamel **Damen**, [REDACTED]
[REDACTED] died 14 February 2005,
cause of death - burns due to an explosion.

17. Abd Al-Hamid Mohammed **Ghalayeeni**, [REDACTED]
[REDACTED] died 14 February
2005, cause of death - injuries due to an explosion.

18. Rawad Hussein Suleiman **Haidar**, [REDACTED]
[REDACTED] died 14 February 2005,
cause of death - cardiac and respiratory arrest due to an explosion.

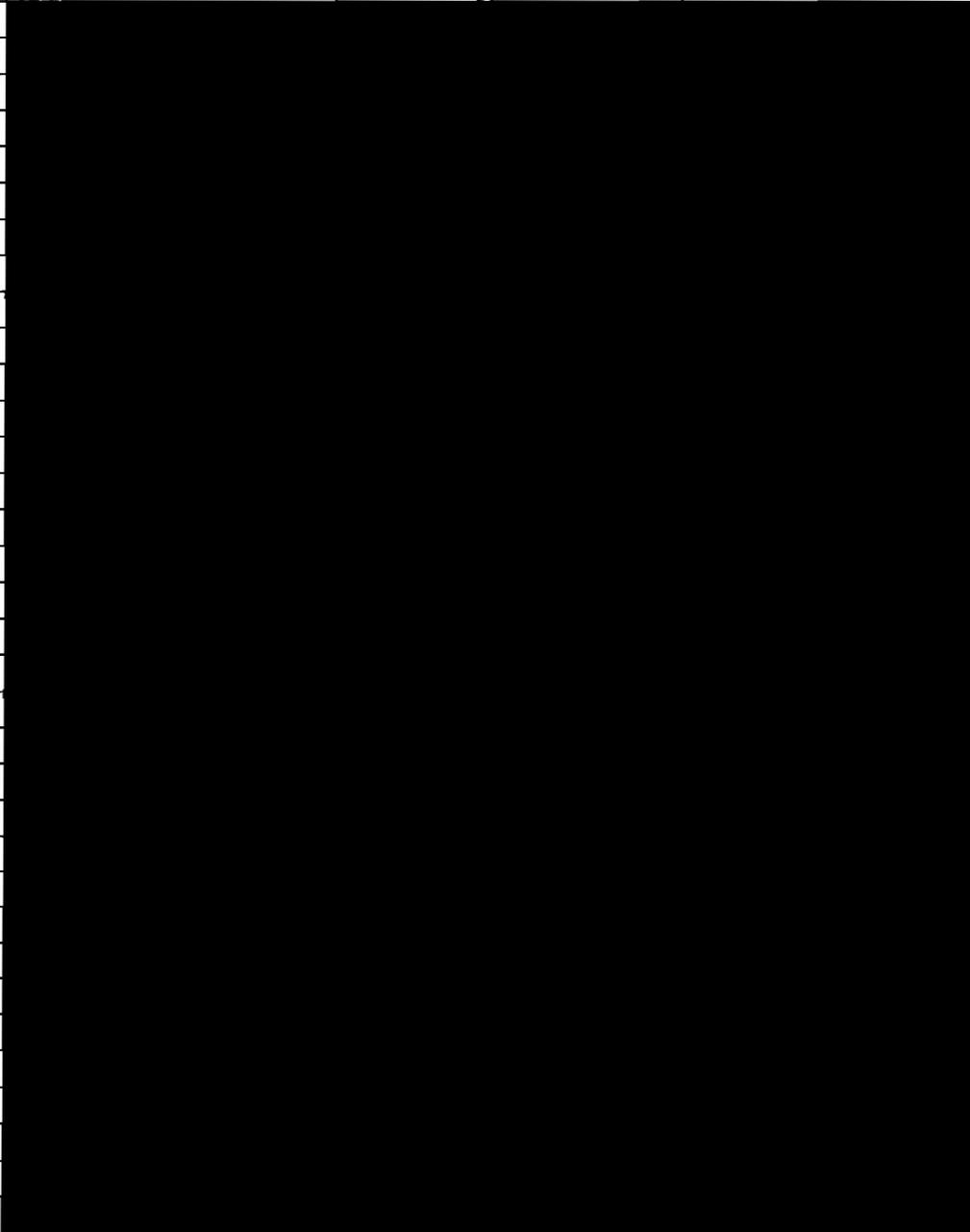
19. Farhan Ahmad Issa, [REDACTED]

20. Alaa Hassan **Osfour**, [REDACTED]
[REDACTED] died 14 February 2005,
cause of death - burns due to an explosion.

21. Haitham Khaled **Othman**, [REDACTED]
[REDACTED] died 15 February
2005, cause of death - [illegible]... explosion.

Schedule B

Below is an alphabetical list of 231 persons⁷ intentionally or foreseeably injured as a direct consequence of the public explosion intended to kill the former Prime Minister Rafik HARIRI and who Counts 5 and 9 plead were each and collectively subject to attempted intentional homicide with premeditation.

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⁷ This figure and the listed names are subject to change, as further evidence is gathered.

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