



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE TRIAL CHAMBER

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 David Tolbert, Acting Registrar

Date: 18 August 2020

Original language: English

Classification: Public

THE PROSECUTOR
v.
SALIM JAMIL AYYASH
HASSAN HABIB MERHI
HUSSEIN HASSAN ONEISSI
ASSAD HASSAN SABRA

ORDER ANNULING THE ARREST WARRANTS, INTERNATIONAL ARREST WARRANTS, ORDERS AND REQUESTS FOR THE TRANSFER AND DETENTION OF HASSAN HABIB MERHI, HUSSEIN HASSAN ONEISSI AND ASSAD HASSAN SABRA

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

The Government of the Lebanese Republic

The Kingdom of the Netherlands

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. In the amended consolidated indictment¹ the Prosecutor charged:

Hassan Habib Merhi, born on 12 December 1965 in Beirut, Lebanon. He is the son of Habib Merhi (father) and Latifa Abbas (mother). He has lived at the following address: Section 27, eastern façade, Real estate number: 2501, Real estate zone: Bourj-El-Barajneh, District: Baabda, Governorate: Mount Lebanon, in South Beirut. He is a citizen of Lebanon. His Lebanese civil registration is 1126/Zqaq-El-Blat;²

Hussein Hassan Oneissi, (also known as ‘Hussein Hassan Issa’), 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 lived in the Ahmad Abbas Building, at Al-Jamous St, near the Lycée des Arts, in Hadath, South Beirut. He is a citizen of Lebanon. His Lebanese civil registration is 7/Shahour;³ and

Assad Hassan Sabra, born on 15 October 1976 in Beirut, Lebanon. He is the son of Hassan Tahan Sabra (father) and Leila Saleh (mother). He has lived 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 number is 1339/Zqaq Al-Blat;⁴

with the criminal offences of:

- Conspiracy aimed at committing a terrorist act as co-perpetrators—**Count 1**;⁵
- Being accomplices to committing a terrorist act by means of an explosive device—**Count 6**;⁶

¹ STL-11-01/T/TC, *Prosecutor v. Ayyash, Merhi, Oneissi and Sabra*, F2720, Amended Consolidated Indictment, 12 July 2016 (confidential). A public redacted version was issued on 15 September 2016. *See also* F3813, Updated Public Redacted Version of Amended Consolidated Indictment, 12 July 2016 (hereinafter: ‘Amended consolidated indictment’).

² Amended consolidated indictment, para. 2 (d).

³ Amended consolidated indictment, para. 2 (b).

⁴ Amended consolidated indictment, para. 2 (c).

⁵ Pursuant to Articles 188, 212, 213, 270, 314 of the Lebanese Criminal Code, Articles 6-7 of the Lebanese Law of 11 January 1958 on ‘Increasing the penalties for sedition, civil war and interfaith struggle’, and Article 3 (1) (a) of the Statute of the Special Tribunal for Lebanon.

⁶ Pursuant to Articles 188, 219 (4)-(5), 314 of the Lebanese Criminal Code, Article 6 of the Lebanese Law of 11 January 1958 on ‘Increasing the penalties for sedition, civil war and interfaith struggle’, and Article 3 (1) (a) of the Statute of the Special Tribunal for Lebanon.

- Being accomplices to intentional homicide of the former Lebanese prime minister, Rafik Hariri, with premeditation by using explosive materials—**Count 7**;⁷
- Being accomplices to intentional homicide of 21 persons in addition to the intentional homicide of Mr Hariri with premeditation by using explosive materials—**Count 8**;⁸ and
- Being accomplices to attempted intentional homicide of 226 persons with premeditation by using explosive materials—**Count 9**.⁹

2. The Trial Chamber issued arrest warrants, international arrest warrants, orders and requests for transfer and detention for Mr Merhi, Mr Oneissi and Mr Sabra.¹⁰

3. On Tuesday 18 August 2020, the Trial Chamber pronounced its judgment, in which it found Mr Merhi, Mr Oneissi and Mr Sabra not guilty of all counts charged in the amended consolidated indictment.

4. In these circumstances, warrants of arrest, international arrest warrants, orders and requests for the transfer and detention of Mr Merhi, Mr Oneissi and Mr Sabra must be annulled. The Trial Chamber instructs the Registrar to inform the International Criminal Police Organisation—INTERPOL General Secretariat accordingly, based on the Co-operation Agreement between the Special Tribunal for Lebanon and the International Criminal Police Organisation—INTERPOL.

DISPOSITION

FOR THESE REASONS, the Trial Chamber:

ANNULS the arrest warrants, international arrest warrants, orders and requests for the transfer and detention of Hassan Habib Merhi, Hussein Hassan Oneissi and Assad Hassan Sabra; and

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

⁸ Pursuant to Articles 188, 189, 219 (4)-(5), 547, 549 (1), (7) of the Lebanese Criminal Code, and Article 3 (1) (a) of the Statute of the Special Tribunal for Lebanon

⁹ Pursuant to Articles 188, 189, 200, 201, 219 (4)-(5), 547, 549 (1), (7) of the Lebanese Criminal Code, and Article 3 (1) (a) of the Statute of the Special Tribunal for Lebanon.

¹⁰ F2770, Decision Ordering the Arrest of Mr Salim Jamil Ayyash, Mr Hassan Habib Merhi, Mr Hussein Hassan Oneissi and Mr Assad Hassan Sabra, 11 October 2016, Annexes C-H. For the procedural history of warrants of arrest, *see* paras 1-2, 4, 11-12.

ORDERS the Registrar:

- to transmit a certified copy of this order to the competent authorities of the Government of the Lebanese Republic and of the Kingdom of the Netherlands; and
- to inform the General Secretariat of INTERPOL in accordance with the Co-operation Agreement between the Special Tribunal for Lebanon and the International Criminal Police Organization—INTERPOL.

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

Leidschendam,
The Netherlands
18 August 2020

David Re

Judge David Re, Presiding

Janet Nosworthy

Judge Janet Nosworthy

Micheline Braidy

Judge Micheline Braidy

