

BEFORE THE PRE-TRIAL JUDGE
SPECIAL TRIBUNAL FOR LEBANON

Case No: STL-Hamdan/PTJ
Before: Judge Daniel Fransen, Pre-Trial Judge
Registrar: Mr David Tolbert, Acting Registrar
Date: 24 September 2020
Filing Party: Counsel on behalf of General Hamdan
Original language: English
Classification: Public

REQUEST FROM GENERAL MUSTAFA HAMDAN

Counsel for General Hamdan:
Mr Jad Youssef Khalil



The facts

1- On behalf of my Client, Retired Brigadier General Mustafa HAMDAN , based on a special Power of Attorney signed before the Notary Public of Beirut no: 8789/2020 dated 31/8/2020 (attached document),I would like to express to the Honourable Judges President of the Special Tribunal for Lebanon and of the Trial Chamber especially to Presiding Judge Mr. David RE his thoughts and intentions.

2- My client all these years could have seek to suit and take to Trial the Officials for his unlawfully detention for material and moral compensations before a Federal Court in USA , an European Court in Geneva , or domestic Tribunals .

For personal and national reasons he did not ... But he can do it anytime and he has the intention to do it before the mentioned Courts.

3- But he found that may be the Special Tribunal for Lebanon would be the shortest and the best way to determine his requests concerning his violated rights.

This is why he needs by this request to make submissions for his upcoming legal case.

The causes

1- The pronounced judgment delivered on 18 August 2020 has mentioned from page 2231 until page 2252 the case of “The Four Generals” including General Mustafa HAMDAN and his detention without any credible evidence against him, his isolation in a tiny cell suffering from serious and mental health problems (page 2241, par.32).

2- General HAMDAN finds President RE as one of the most sincere, fair, and honourable Judge before the International Courts. President has found his detention unlawful and contrary to International Human rights (page 2244, line 10), a clear breach of his rights (page 2244, line 28).

3- It is well appreciated the fact that the detention of General HAMDAN was a “legal loophole” (page 2246, par.52) and is very impressive the conclusion of President RE about what UN and UNIIIC should have done ,and giving a well perspective about

the resolution of the matter emphasizing on the responsibility of UN and UNIIC and bearing their culpability (par.62) and legal and moral responsibility, and their obligations to compensate him of their actions and inactions from 30 August onwards (par.64).

- 4- The order given by Honourable President RE on 21 August 2020 to acting Registrar to forward his separate opinion to United Nations Security General identifying the failure of the United Nations to recognize the injustice caused by the lengthy unlawful detention of General Mustafa HAMDAN; could be the first and strongest step for my client to proceed further with his case.

The requests

Therefore,

ONE: My client General Mustapha HAMDAN requests that his legal/human rights case to be handled under the supervision and control of the Trial Chamber of the Special Tribunal for Lebanon known by its highest levels of Justice, fairness, and loyalty.

TWO: General HAMDAN needs to be granted by the Trial Chamber the right to make submissions for his case (unlawful detention and the violations of his rights as a Human) and then needs the Registrar to forward directly his submissions to the United Nations Headquarters.

THREE: Lawyer Jad Khalil is acting here independently from his duty as a co-counsel in Mr MERHI's Team. General HAMDAN was not mentioned in any indictment made by the Prosecutor in the case Ayyash *et al.* STL11-01. There is no order made by the Trial Chamber concerning my client .There was no debate nor submissions for or against him.

However if the Trial Chamber finds the presence of any conflict of interests , Mr Khalil would be ready to withdraw this request and the power of Attorney granted to him by General Mustapha HAMDAN immediately.

On behalf of General Mustafa HAMDAN

Respectfully,

Lawyer Jad KHALIL

Beirut, Lebanon
Date: 24 September 2020
Word count: 607

