



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

**THE TRIAL CHAMBER****SPECIAL TRIBUNAL FOR LEBANON**

**Case No:** STL-11-01/S/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:** 30 October 2020

**Original language:** English

**Classification:** Public

**THE PROSECUTOR**  
v.  
**SALIM JAMIL AYYASH**

**ORDER SCHEDULING HEARING ON SENTENCING,  
TUESDAY 10 NOVEMBER 2020**

**Office of the Prosecutor:**  
Mr Norman Farrell & Mr Nigel Povoas

**Counsel for Mr Salim Jamil Ayyash:**  
Mr Emile Aoun, Mr Thomas Hannis &  
Mr Chad Mair

**Legal Representatives of  
Participating Victims:**  
Mr Peter Haynes, Mr Mohammad F. Mattar  
& Ms Nada Abdelsater-Abusamra



1. On 18 August 2020, the Trial Chamber convicted Mr Salim Jamil Ayyash as a co-perpetrator of committing the five counts charged against him in the amended consolidated indictment. These were of: conspiracy aimed at committing a terrorist act; committing a terrorist act by means of an explosive device; the intentional homicide of the former Lebanese prime minister Mr Rafik Hariri with premeditation by using explosive materials; intentional homicide of an additional 21 persons with premeditation by using explosive materials; and attempted intentional homicide of 226 persons with premeditation by using explosive materials. The Trial Chamber acquitted the other three Accused, Mr Hassan Habib Merhi, Mr Hussein Hassan Oneissi and Mr Assad Hassan Sabra of all counts charged.<sup>1</sup>

2. The Prosecution has filed written submissions on sentencing.<sup>2</sup> The Trial Chamber permitted the Legal Representatives of Victims, on their application, to file written submissions on sentencing.<sup>3</sup> The Defence for Mr Ayyash has also filed written submissions.<sup>4</sup>

3. The Legal Representatives of Victims asked the Trial Chamber to hold a hearing on sentencing and to:

- i) make oral submissions;
- ii) allow victims participating in the proceedings to present oral views and concerns; and
- iii) permit the Legal Representatives of Victims to question any witnesses called by Parties.<sup>5</sup>

4. The Prosecution did not file a response to the application. The Ayyash Defence responded and did not object to the Legal Representatives providing written submissions on sentencing. However, it noted that Rule 171 of the Special Tribunal's Rules of Procedure and

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<sup>1</sup> STL-11-01, *Prosecutor v. Ayyash, Merhi, Oneissi and Sabra*, F3839, Judgment, 18 August 2020 ('Trial Judgment'), disposition.

<sup>2</sup> F3845, Prosecution Submissions on Sentence, 1 September 2020.

<sup>3</sup> F3848, Decision Allowing the Participating Victims to Participate in the Sentencing Proceedings and Extending the Time for the Ayyash Defence to File Submissions, 7 September 2020 ('Decision on participating victims' participation in sentencing'); F3844, The Legal Representative of Victims Request to Participate in the Sentencing Proceedings and Submissions on Procedure to be Adopted During Sentencing, 24 August 2020 ('Legal Representatives of Victims request'); F3849, The Legal Representative of Victims Submissions on Sentencing, 18 September 2020.

<sup>4</sup> F3850, Ayyash Defence Observations on Sentence, 25 September 2020.

<sup>5</sup> Legal Representatives of Victims request, paras 21, 25, 34, p. 9.

Evidence does not refer to oral proceedings and that neither Party sought an oral hearing to submit additional information.<sup>6</sup>

5. In allowing the Legal Representatives to participate in any sentencing proceedings, the Trial Chamber considered that it was consistent with the interests of justice for the participating victims to present their views and concerns on sentencing. It also held that after receiving all written filings it would determine whether it would hold a hearing and if so the modalities of the victims' participation, including the oral presentation of views and concerns.<sup>7</sup>

6. Having considered these submissions and observations, and noting that neither the Prosecution nor the Ayyash Defence objected to the Legal Representatives' application, the Trial Chamber will allow the participating victims to present further views and concerns in relation to sentencing at an oral hearing.

7. The Trial Chamber, during the trial, heard extensive evidence from the participating victims, including some that could be relevant to sentencing.<sup>8</sup> It therefore wishes to confine the issues during a brief sentencing hearing. It also notes the deteriorating situation pertaining to the covid-19 pandemic in the Netherlands and in Lebanon, and the stricter preventative measures that the Dutch government has been introducing. In light of this, the Trial Chamber will allow up to three participating victims to present their views subject to feasibility of their participation. The hearing will be held on **Tuesday 10 November 2020 at 10:00**.

8. Similarly to the pronouncement of the judgment, which was held in accordance with a protocol prepared by the Registry,<sup>9</sup> the hearing will be held in the courtroom albeit with mostly virtual participation.

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

Leidschendam,  
The Netherlands  
30 October 2020

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<sup>6</sup> F3847, Ayyash Defence Response to the Legal Representative of Victims Request to Participate in Sentencing Proceedings, 7 September 2020, paras 4, 6-7.

<sup>7</sup> Decision on participating victims' participation in sentencing, paras 7-9.

<sup>8</sup> Trial Judgment, para. 907 (footnote omitted); *see also* Decision on participating victims' participation in sentencing, para. 6.

<sup>9</sup> STL, Protocol Regarding Modalities for Alternative Remote Delivery of the Judgment, Case No STL-11-01, dated 22 July 2020.

David Re

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Judge David Re, Presiding

Janet Nosworthy

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Judge Janet Nosworthy

Micheline Braidy

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Judge Micheline Braidy

