



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

Hussein Hassan Oneissi

Ayyash et al.
(Case number STL-11-01)



CASE INFORMATION SHEET

Charges (as set out in the indictment)

- Conspiracy aimed at committing a terrorist act;
- Being an accomplice to the felony of:
 - Committing a terrorist act by means of an explosive device;
 - Intentional homicide of Rafik Hariri with premeditation by using explosive materials;
 - Intentional homicide of 21 other persons with premeditation by using explosive materials;
 - Attempted intentional homicide of 226 persons with premeditation by using explosive materials.

On 18 August 2020, the Trial Chamber pronounced its Trial Judgment in the Ayyash et al. case. The Trial Chamber unanimously found Salim Jamil Ayyash guilty beyond reasonable doubt on all charges against him in the amended consolidated indictment and further found Hassan Habib Merhi, Hussein Hassan Oneissi and Assad Hassan Sabra not guilty of all the counts charged against them.

Biographical information (as set out in the indictment)

<i>Date of birth</i>	11 February 1974
<i>Place of birth</i>	Beirut (Lebanon)
<i>Nationality</i>	Lebanese
<i>Confirmation of the indictment</i>	28 June 2011
<i>Arrest warrant</i>	Delivered confidentially to the Lebanese authorities on 28 June 2011, on 9 August 2013 and on 31 October 2016. International arrest warrants were issued on 8 July 2011, on 9 August 2013 and on 11 October 2016. On 18 August 2020, the Trial Chamber issued an order annulling the arrest warrant, international arrest warrant, orders and requests for the transfer and detention of Mr Oneissi.
<i>Current situation</i>	On 18 August 2020, the Trial Chamber pronounced its Trial Judgment in the <i>Ayyash et al.</i> case and found Mr Oneissi not guilty of all counts charged against him in the amended consolidated indictment. On 12 January 2021, the Prosecution and the Ayyash Defence filed a notice of Appeal against the Judgment.
<i>Date of commencement of trial</i>	16 January 2014

Alleged criminal acts

The amended consolidated indictment states that the former Lebanese Prime Minister Rafik Hariri was assassinated on 14 February 2005, at 12:55 on Rue Minet el Hos'n in Beirut, as a result of a terrorist act in which a suicide bomber detonated a large quantity of high explosives concealed in a van. In addition to killing Rafik Hariri, the explosion killed 21 other persons and injured 226.

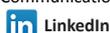
It alleges that Hussein Hassan Oneissi, also known as "Hussein Hassan Issa", participated in a conspiracy with others aimed at committing a terrorist act to assassinate Rafik Hariri. More specifically, it alleges that Mr Oneissi,

along with Assad Hassan Sabra, under Hassan Habib Merhi's coordination, participated prior to the attack in the selection of a suitable individual, who was later identified as Ahmed Abu Adass, to make a false claim of responsibility, and in his disappearance. According to the amended consolidated indictment, Mr Oneissi and Mr Sabra, under Mr Merhi's coordination, acted together immediately after the assassination in order to disseminate statements falsely attributing responsibility for the attack, and to ensure the delivery and subsequent broadcast of the video-taped false claim of responsibility to the Al-Jazeera office in Beirut.

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www.stl-tsl.org



Key judicial developments

16 February 2011 — The Appeals Chamber renders its interlocutory decision on the applicable law interpreting, *inter alia*, terrorism, conspiracy and modes of liability under international and Lebanese law

28 June 2011 — The Pre-Trial Judge confirms the indictment against Mr Ayyash, Mr Badreddine, Mr Oneissi and Mr Sabra submitted by the Prosecutor on 17 January 2011.

30 June 2011 — The indictment is transmitted to the Lebanese authorities, who have an obligation to report on the measures taken in searching for, arresting, detaining and transferring the Accused to the seat of the Tribunal within 30 days. Reporting obligations are ongoing.

8 July 2011 — International arrest warrants are issued against the four Accused, including Mr Oneissi. Subsequent international arrest warrants were issued on 9 August 2013 following the amendment of the indictment.

12 July 2011 — The Victims' Participation Unit opens applications for victims to participate in the *Ayyash et al.* proceedings.

1 February 2012 — The Trial Chamber decides to try the four Accused in the *Ayyash et al.* case in absentia.

2 February 2012 — The Head of the Defence Office assigns 8 counsels to represent the interest and rights of the four Accused.

24 October 2012 — The Appeals Chamber dismisses the Defence appeals against the Trial Chamber decision upholding the jurisdiction and legality of the Tribunal.

21 February 2013 — The Pre-Trial Judge vacates 25 March 2013 as a tentative date for the start of trial. The decision is in response to the Defence Counsel for the four Accused asking the Pre-Trial Judge to postpone the trial date. The Pre-Trial Judge finds that certain disclosure obligations have not been met, which the Prosecution recognises.

28 October 2013 — The Pre-Trial Judge completes the transfer of the entire *Ayyash et al.* case to the Trial Chamber, making the start of transition from the pre-trial to trial phase.

16 January 2014 — The *Ayyash et al.* trial starts.

11 February 2014 — The case against Hassan Habib Merhi is joined to the *Ayyash et al.* case.

10 March 2014 — The Prosecutor files a consolidated indictment, dated 7 March 2014, against Mr Ayyash, Mr Badreddine, Mr Merhi, Mr Oneissi and Mr Sabra.

18 June 2014 — The *Ayyash et al.* trial resumes after it was adjourned upon the request of the Merhi Defence.

28 July 2015 — The Appeals Chamber confirms a Trial Chamber decision that call data records from Lebanese telecommunications companies were legally transferred to the Prosecutor and could be proposed for admission into evidence.

12 July 2016 — The Prosecution files an amended consolidated indictment removing Mustafa Amine Badreddine from the list of Accused and naming him a co-conspirator. The previous day, the Appeals Chamber had determined

that there was sufficient evidence to conclude that Mr Badreddine had died.

28 August 2017 — The victims' case begins, allowing victims' views and concerns to be presented to the Trial Chamber by their Legal Representatives. The case continues through 8 September 2017.

7 February 2018 — The Prosecution completes the presentation of its evidence marking the conclusion of the Prosecution case.

20-22 February 2018 — The Trial Chamber hears oral submissions from the Defence team of Mr Oneissi under Rule 167 of the Rules of Procedure and Evidence (RPE) entitled "Judgement of Acquittal at the Close of the Prosecution Case", and the response of the Prosecution. The Defence team of Mr Oneissi was the only team that indicated it would make submissions under Rule 167. Counsel for the remaining three Accused, Mr Merhi, Mr Sabra, and Mr Ayyash informed the Chamber that they would not seek a judgement of acquittal under Rule 167 on any of the counts in the amended consolidated indictment.

7 March 2018 — The Trial Chamber finds that the Prosecution had provided sufficient evidence upon which it could convict Mr Oneissi and thus dismisses the Oneissi Defence's application under rule 167.

4 May 2018 — A Panel consisting of Judge David Baragwanath (Presiding), Judge Afif Chamseddine and Judge Daniel David Ntanda Nsereko dismisses in its entirety the motion filed by Defence counsel for Mr Oneissi. On 12 April 2018, the Oneissi Defence had requested, pursuant to Rule 25 of the RPE, the disqualification and withdrawal of the Trial Chamber Judges in the *Ayyash et al.* case: Presiding Judge David Re, Judge Janet Nosworthy, and Judge Micheline Braidy.

14 May 2018 — The Defence case for Mr Oneissi begins. The Oneissi Defence is the only Defence which elected to present a case. They called two witnesses who testified on 14 and 15 May, and 5, 6 and 7 June 2018, and tendered documents for admission into evidence. The presentation of evidence in the case concluded on 28 June 2018.

16 July 2018 — The Prosecutor and the Legal Representatives of Victims file their final trial briefs.

13 August 2018 — The Defence teams for the four Accused file their final trial briefs.

21 September 2018 — The closing arguments in the *Ayyash et al.* case conclude after nine hearing days. The presentation of the closing arguments by the Prosecution, Defence and the Legal Representatives of Victims concludes the trial hearings in the case. The judges withdraw to deliberate whether the Prosecution has proved its case beyond reasonable doubt.

18 August 2020 — The Trial Chamber pronounces its Judgment in the *Ayyash et al.* case. The Judges unanimously find Mr Ayyash guilty beyond reasonable doubt and further find Mr Merhi, Mr Oneissi and Mr Sabra not guilty of all the counts charged against them in the amended consolidated indictment.

12 January 2021 — The Prosecution and the Defence Counsel for Mr Ayyash file notices of Appeal against the Judgment of 18 August 2020. The filing of the notices of Appeal marks the beginning of the Appeals phase in the *Ayyash et al.* case.

24 February 2021 — The Appeals Chamber dismisses the LRV Notice of Appeal against the Sentencing Judgment as inadmissible. The Appeals Chamber authorizes the participating victims to participate in the appellate proceedings for the purpose of expressing their views and concerns on issues affecting their personal interests.

29 March 2021 — The Prosecution submitted the Appeal Brief comprising eight grounds of appeal, all built towards finding Mr Merhi and Mr Oneissi guilty of counts 1 and 6-9 of the amended consolidated indictment.

The work of the STL is divided into four phases: investigation and indictment, pre-trial, trial and sentencing, and appeal. An overview of these procedural stages is available on the STL website:

www.stl-tsl.org/en/about-the-stl/the-four-phases

TERRORISM

The STL is the first tribunal of an international character to deal with terrorism as a distinct crime committed outside the context of an armed conflict. The Tribunal was established by UN Security Council Resolution 1757 (2007), which reaffirmed that the attack of 14 February 2005 and its implications constituted a “threat to international peace and security”. In its decision of 16 February 2011 on the law to be applied

by the Tribunal, the STL’s Appeals Chamber clarified that the Tribunal applies Lebanese domestic law — including the crime of terrorism stipulated in Article 314 of the Lebanese Criminal Code — in consonance with international conventional and customary law. The Appeals Chamber’s decision also defined terrorism as a crime under customary international law for the first time.

Composition of the Trial Chamber

Judge David Re, *Presiding Judge*
 Judge Micheline Braidy
 Judge Janet Nosworthy
 Judge Walid Akoum, *Alternate Judge*
 Judge Nicola Lettieri, *Alternate Judge*

Composition of the Appeals Chamber

Judge Ivana Hrdličková, *Presiding Judge*
 Judge Ralph Riachi
 Judge David Baragwanath
 Judge Afif Chamseddine
 Judge Daniel Nsereko

Representation of the Office of the Prosecutor

Mr Norman Farrell, *Prosecutor*
 Ms Joyce Tabet, *Deputy Prosecutor*
 Mr Nigel Povoas, *Senior Trial Counsel*

Defence Counsel for Hussein Hassan Oneissi

Mr Vincent Courcelle-Labrousse, *Lead Counsel*
 Mr Yasser Hassan, *Co-Counsel*
 Ms Natalie von Wistinghausen, *Co-Counsel*

Defence Office

Ms Dorothée Le Fraper du Hellen, *Head of the Defence Office*
 Ms Héleyn Uñac, *Deputy Head of the Defence Office*

Representation of the Registry

Mr David Tolbert, *Registrar*
 Mr Martin Petrov, *Deputy Registrar*

Legal Representatives of the Victims

Mr Peter Haynes, *Lead Legal Representative*
 Mr Mohammad Mattar, *Co-legal Representative*
 Ms Nada Abdelsater-Abusamra, *Co-legal Representative*

The biographies of STL senior officers are available on the Tribunal’s website:

www.stl-tsl.org/en/about-the-stl/biographies

Last updated March 2021