

**BEFORE THE PRE-TRIAL JUDGE**  
**SPECIAL TRIBUNAL FOR LEBANON**

Case No: **STL-11-01/PT/PTJ**  
Before: **Pre-Trial Judge**  
Registrar: **Mr. Herman von Hebel**  
Date: **6 February 2013**  
Filing Party: **Prosecutor**  
Original language: **English**  
Classification: **Public**

**THE PROSECUTOR**  
v.  
**SALIM JAMIL AYYASH,**  
**MUSTAFA AMINE BADREDDINE,**  
**HUSSEIN HASSAN ONEISSI &**  
**ASSAD HASSAN SABRA**

---

**Public Redacted**  
**Amended Indictment**

---

**Office of the Prosecutor**  
Mr. Norman Farrell

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

**Counsel for Mr. Salim Jamil Ayyash**  
Mr. Eugene O'Sullivan  
Mr. Emile Aoun

**Counsel for Mr. Mustafa Amine Badreddine**  
Mr. Antoine Korkmaz  
Mr. John Jones

**Counsel for Mr. Hussein Hassan Oneissi**  
Mr. Vincent Courcelle-Labrousse  
Mr. Yasser Hassan

**Counsel for Mr. Assad Hassan Sabra**  
Mr. David Young  
Mr. Guénaël Mettraux



## 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 Code<sup>1</sup> and the Lebanese Law of 11 January 1958 on 'Increasing the penalties for sedition, civil war and interfaith struggle'<sup>2</sup>:

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 226 persons in addition to the Intentional Homicide of Rafik HARIRI) with premeditation by using explosive materials; and**

---

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

<sup>2</sup> 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 226 persons in addition to the Intentional Homicide of Rafik HARIRI) with premeditation by using explosive materials.**

## II. THE ACCUSED

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

- a. **MUSTAFA AMINE BADREDDINE<sup>3</sup> (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 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* the French and US embassies were attacked through the detonation of explosives contained in vehicles. He was sentenced to death but he escaped from prison when Iraq invaded Kuwait in 1990.
- b. **SALIM JAMIL AYYASH<sup>4</sup> (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 ONEISSI<sup>5</sup> (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

---

<sup>3</sup> In Arabic مصطفى أمين بدر الدين

<sup>4</sup> In Arabic سليم جميل عياش

<sup>5</sup> In Arabic حسين حسن عنيسي , the birth name ‘ISSA’ having been changed to ‘ONEISSI’ by judicial declaration on 12 January 2004.

(mother). He has resided 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.

- d. **ASSAD HASSAN SABRA<sup>6</sup> (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, 4<sup>th</sup> 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.
3. The four Accused participated in a conspiracy with others aimed at committing a terrorist act to assassinate Rafik Baha'eddine AL-HARIRI (HARIRI) and their respective roles may be summarised as follows:
    - a. **BADREDDINE** monitored and, together with **AYYASH**, coordinated: (i) the surveillance of HARIRI in preparation for the attack; and (ii) the purchase of the van which was used to perpetrate the attack. **BADREDDINE** monitored the physical perpetration of the attack.
    - b. **AYYASH**, together with **BADREDDINE**, coordinated: (i) the surveillance of HARIRI in preparation for the attack; and (ii) the purchase of the van which was used to perpetrate the attack. **AYYASH** communicated with **Purple 231** in relation to the preparation of the false claim of responsibility. **AYYASH** coordinated the physical perpetration of the attack. **AYYASH** participated in carrying out the surveillance and assassination of HARIRI.
    - c. **ONEISSI**, prior to the attack, participated together with **SABRA** in identifying a suitable individual, later identified as Ahmed ABU ADASS (ABU ADASS), who would be used to make a video-taped false claim of responsibility for the attack. **ONEISSI**, prior to the attack, participated in the disappearance of ABU ADASS for the purpose of creating a false claim of responsibility. Immediately following the attack, **ONEISSI** participated together with **SABRA** in: (i) disseminating statements falsely attributing responsibility for the attack; (ii) ensuring the

---

<sup>6</sup> In Arabic, أسد حسن صبرا

delivery of the video, with a letter attached, containing the false claim of responsibility to Al-Jazeera; and (iii) ensuring the video would be broadcast.

- d. **SABRA**, prior to the attack, participated together with **ONEISSI** in identifying a suitable individual, later identified as ABU ADASS, who would be used to make a video-taped false claim of responsibility for the attack. Immediately following the attack, **SABRA** participated together with **ONEISSI** in: (i) disseminating statements falsely attributing responsibility for the attack; (ii) ensuring the delivery of the video, with a letter attached, containing the false claim of responsibility to Al-Jazeera; and (iii) ensuring the video would be broadcast.

### III. A CONCISE STATEMENT OF THE FACTS

#### A. OVERVIEW

4. 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 226 persons (listed in Schedule B).
5. 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 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

6. 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.
7. 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 2005.

8. 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.
9. 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.
10. Shortly before 12:00, HARIRI left Parliament to go to Café Place de l'Étoile, located nearby where he stayed for approximately 45 minutes.
11. 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.
12. 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.
13. 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. PHONE NETWORKS INVOLVED IN THE ATTACK**

14. Five interconnected mobile phone groups were involved in the assassination of HARIRI. Four of these five phone groups operated as networks. A network is defined as a group of phones with a high frequency of contact between the phones within that group. The analysis of these networks included the use of Call Data Records and attribution evidence, including the analytical technique of co-location.
  - a. Call Data Records are digital records of phone activity. The records contain details of the originating (outgoing) number and recipient (incoming) numbers, call duration as well as the international mobile equipment identity, international mobile subscriber identity and Cell ID data for mobile phones. These records therefore contain information such as time, date and duration of each phone call and the cell mast activated by the call, which provides an indication of the mobile phone user's location.

- b. Attribution is evidence that supports the assertion that a SIM card (telephone number) was used by a specific person (the phone user) during a particular time period. Attribution evidence may include, but is not limited to: subscriber information, witness statements, other forms of documentary evidence and analysis of Call Data Records, including co-location analysis.
  - c. Co-location analysis is used as a form of attribution evidence where multiple phones are attributed to a single user. It is an analytical technique designed to determine whether an identified person consistently uses two or more phones, at least one of which is a mobile phone.
15. Each phone group has been colour-coded for ease of reference.
- a. **Red Network:** a network consisting of 8 phones which were used from 4 January 2005, until it ceased all activity 2 minutes before the attack on 14 February 2005. **Red Network** phones communicated almost exclusively with each other and had no outgoing short message service (SMS) use. All 8 **Red Network** phones were used to observe HARIRI or locations connected with him between 14 January 2005 and 12 February 2005. Six of the **Red Network** phones were used by the assassination team, consisting of **AYYASH** and five other unidentified individuals (**S5, S6, S7, S8, and S9**), for carrying out the assassination of HARIRI. The **Red Network** phones are listed below with their short-names:

<b>Red Network Number</b>	3292572	3125636	3129652	3478662	3129678	3123741	3129893	3127946
<b>Short-name</b>	<b>Red 572</b>	<b>Red 636</b>	<b>Red 652</b>	<b>Red 662</b>	<b>Red 678</b>	<b>Red 741</b>	<b>Red 893</b>	<b>Red 946</b>

- b. **Green Network:** a network consisting of 3 phones which were used from at least 30 September 2004 to 14 February 2005. From 13 October 2004 until they ceased all activity on 14 February 2005 about one hour before the attack, **Green Network** phones communicated exclusively with each other and had no outgoing SMS use. Two of the **Green Network** phones were used to monitor and coordinate the preparations, and to monitor the attack. The 3 **Green Network** phones are listed below with their short-names:



<b>Green Network Number</b>	3140023	3150071	3159300
<b>Short-name</b>	<b>Green 023</b>	<b>Green 071</b>	<b>Green 300</b>

c. **Blue Network:** a network consisting of 18 phones that were used between 18 October 2004 and 1 October 2005. Fifteen of these phones were used for preparations for the attack including some for surveillance of HARIRI between 18 October 2004 and 14 February 2005. These 15 phones communicated almost exclusively with each other and had almost no SMS use. Of these 15 phones, 6 were used by the assassination team, who also used **Red Network** phones. The other three phones (of the 18 phones) were 3085338, 3872349, and 3872354, and were activated on or after 7 March 2005. The 15 **Blue Network** phones used in relation to the attack are listed below with their short-names:

<b>Blue Network Number</b>	3071233	3043585	3197610	3067324	3197817	3198864	3071235	3079501
<b>Short-name</b>	<b>Blue 233</b>	<b>Blue 585</b>	<b>Blue 610</b>	<b>Blue 324</b>	<b>Blue 817</b>	<b>Blue 864</b>	<b>Blue 235</b>	<b>Blue 501</b>

<b>Blue Network Number</b>	3067322	3193428	3196742	3020967	3196813	3198940	3846965
<b>Short-name</b>	<b>Blue 322</b>	<b>Blue 428</b>	<b>Blue 742</b>	<b>Blue 967</b>	<b>Blue 813</b>	<b>Blue 940</b>	<b>Blue 965</b>

d. **Yellow Network:** a network consisting of 18 phones activated between 1999 and 2003 and operational until 7 January 2005. Of these 18 phones, 13 were used between 1 September 2004 and 7 January 2005. Four of the **Yellow Network** phones were used by **AYYASH** and three other members of the assassination team for preparation of the attack including for surveillance of HARIRI. The call activity of these four phones involved contact with other **Yellow Network** phones almost exclusively. The four **Yellow Network** phones used in relation to the attack are listed below with their short-names:

<b>Yellow Network Number</b>	3205294	3345457	3971933	3712024
<b>Short-name</b>	<b>Yellow 294</b>	<b>Yellow 457</b>	<b>Yellow 933</b>	<b>Yellow 024</b>

e. **Purple Phones:** a group of three phones, which were used from at least 1 January 2003 until 16 February 2005. **Purple Phones** were used to communicate amongst each other and to communicate with others outside the group. **Purple Phones** were used to coordinate the false claim of responsibility. The **Purple Phones** are listed below with their short-names:

<b>Purple Phones Number</b>	3598095	3419018	3575231
<b>Short-name</b>	<b>Purple 095</b>	<b>Purple 018</b>	<b>Purple 231</b>

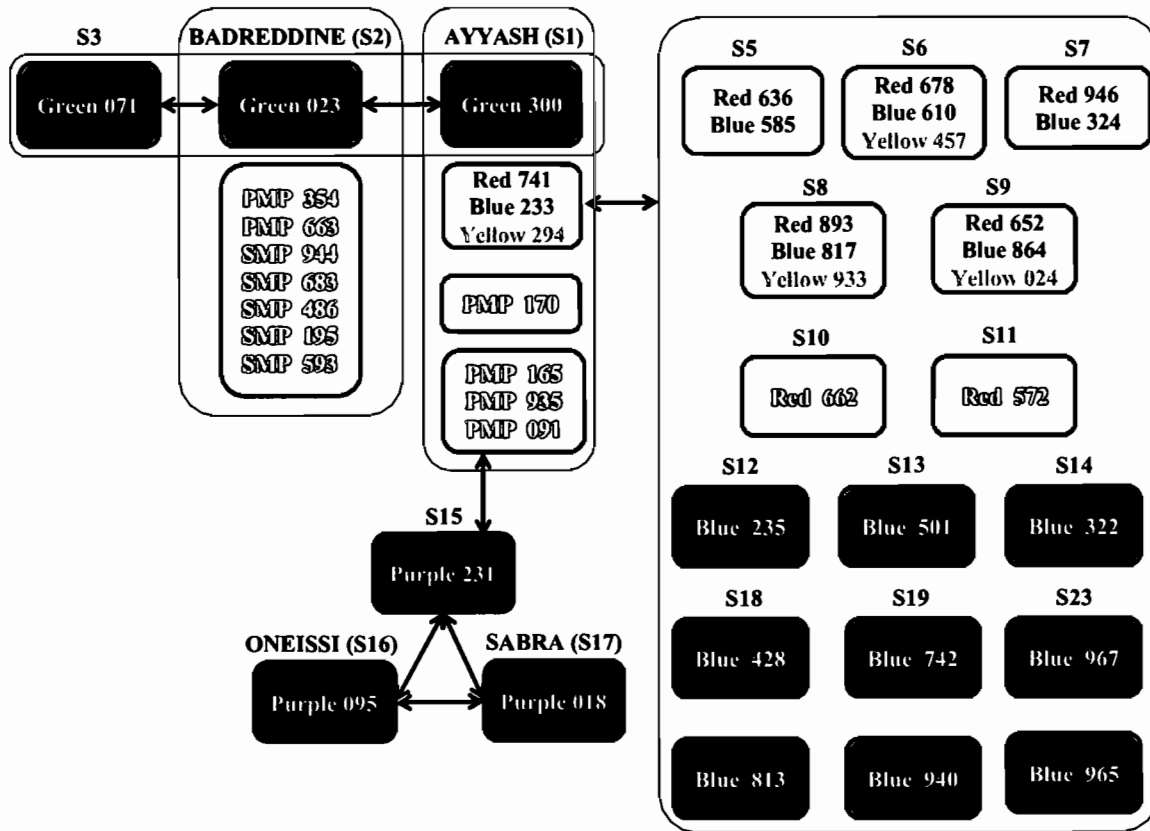
16. Some users of the network phones carried and used multiple phones on the different networks. In addition to their network phones, both **AYYASH** and **BADREDDINE** used ‘personal mobile phones’ (PMPs), which were used for contacting friends and family and for business purposes. In addition, **BADREDDINE** used five ‘sequential mobile phones’ (SMPs) between September 2004 and November 2005. The phones were used in sequential order, meaning that each phone was used for a period of weeks or months and then replaced by another. The number of phone contacts was limited and SMS use was minimal. The table below sets out a list of all phones used by each of the Accused and the unidentified others who used relevant Yellow Network, Blue Network, Green Network, or Red Network phones, or **Purple Phones**. Unidentified phone users have been designated subject numbers, e.g., S6. In cases where one individual used multiple phones, all phones attributed to that individual have been listed.

	<b>Red Network</b>	<b>Green Network</b>	<b>Blue Network</b>	<b>Yellow Phones</b>	<b>Purple Phones</b>	<b>PMPs/SMPs</b>
<b>BADREDDINE</b>		3140023 <b>Green 023</b>				3966663 ( <b>PMP 663</b> ) 3833354 ( <b>PMP 354</b> ) 3476683 ( <b>SMP 683</b> ) 3293944 ( <b>SMP 944</b> ) 3103195 ( <b>SMP 195</b> ) 3121486 ( <b>SMP 486</b> ) 3442593 ( <b>SMP 593</b> )
<b>AYYASH</b>	3123741 <b>Red 741</b>	3159300 <b>Green 300</b>	3071233 <b>Blue 233</b>	3205294 <b>Yellow 294</b>		3767165 ( <b>PMP 165</b> ) 3523935 ( <b>PMP 935</b> ) 3831170 ( <b>PMP 170</b> ) 3020091 ( <b>PMP 091</b> )
<b>ONEISSI</b>					3598095 <b>Purple 095</b>	
<b>SABRA</b>					3419018 <b>Purple 018</b>	
<b>S3</b>		3150071 <b>Green 071</b>				
<b>S5</b>	3125636 <b>Red 636</b>		3043585 <b>Blue 585</b>			
<b>S6</b>	3129678 <b>Red 678</b>		3197610 <b>Blue 610</b>	3345457 <b>Yellow 457</b>		
<b>S7</b>	3127946 <b>Red 946</b>		3067324 <b>Blue 324</b>			
<b>S8</b>	3129893 <b>Red 893</b>		3197817 <b>Blue 817</b>	3971933 <b>Yellow 933</b>		
<b>S9</b>	3129652 <b>Red 652</b>		3198864 <b>Blue 864</b>	3712024 <b>Yellow 024</b>		
<b>S10</b>	3478662 <b>Red 662</b>					
<b>S11</b>	3292572 <b>Red 572</b>					
<b>S12</b>			3071235 <b>Blue 235</b>			
<b>S13</b>			3079501 <b>Blue 501</b>			
<b>S14</b>			3067322 <b>Blue 322</b>			
<b>S15</b>					3575231 <b>Purple 231</b>	
<b>S18</b>			3193428 <b>Blue 428</b>			
<b>S19</b>			3196742 <b>Blue 742</b>			
<b>S23</b>			3020967 <b>Blue 967</b>			
<b>n/a</b>			3196813 <b>Blue 813</b>			
<b>n/a</b>			3198940 <b>Blue 940</b>			
<b>n/a</b>			3846965 <b>Blue 965</b>			

17. A pictorial representation of the interconnected phone groups including the main phones attributed to the accused appears below. In general:
- a. The **Green Network** was used by **BADREDDINE** to monitor, and together with **AYYASH**, coordinate the surveillance of **HARIRI** in preparation for the attack and the purchase of the van that was used for the attack. **BADREDDINE** also used the **Green Network** to monitor the physical perpetration of the attack.
  - b. The **Yellow, Blue or Red Networks** were used by **AYYASH** to coordinate various tasks related to the preparation of the attack against **HARIRI** and its perpetration. **AYYASH** also used network phones to participate in carrying out the surveillance and assassination of **HARIRI**.
  - c. **AYYASH** used his PMPs to contact **Purple 231**. In particular, during the preparations for the attack on **HARIRI**, **AYYASH** used PMP 091 to contact **Purple 231** in relation to the preparation of the false claim of responsibility.
  - d. **SABRA** and **ONEISSI** communicated amongst each other and with **Purple 231** using the **Purple Phones** in preparation for and carrying out of the false claim of responsibility.

The diagram illustrates the different phone groups, their attribution to the Accused and the links between the networks.

### Interconnected Phone Groups



## D. CHRONOLOGY OF THE ATTACK

### 1. Preparations

18. **AYYASH, S5, S6, S7, S8, S9, S10, S11, S12, S14 and S23** observed **HARIRI** on a number of days prior to the attack. These observations were preparatory steps for the assassination.
19. On at least 20 days between 11 November 2004 and 14 February 2005, **AYYASH, S5, S6, S7, S8, S9, S10, S11, S12, S14 and S23**, communicating on their **Blue Network** phones and/or **Yellow Network** phones, and/or as of 14 January 2005, their respective **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.
20. As part of the assassination preparations, between 22 December 2004 and 17 January 2005, **ONEISSI** and **SABRA** were responsible for locating a suitable individual 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 following: on 6 days, being on 22, 29, 30, and 31 December 2004 and 3 and 7 January 2005, **ONEISSI** was in the vicinity of the mosque. On 2 of those days, on 22 December 2004 and 7 January 2005, **ONEISSI** on Purple 095 was in contact with **S15** on Purple 231. In addition, on 2 of those days, on 30 and 31 December 2004, **ONEISSI** on Purple 095 was in contact with **SABRA** on Purple 018. On 8 days, being on 30 and 31 December 2004 and 1, 3, 4, 5, 6, and 7 January 2005, **SABRA** was in the vicinity of the mosque. On 2 of those days, 1 and 4 January 2005, **SABRA** on Purple 018 was in contact with **S15** on Purple 231. In addition, on 6 of those days, 30 and 31 December 2004 and 1, 4, 6 and 7 January 2005, **SABRA** on

Purple 018 was in contact with ONEISSI on Purple 095. On 17 January 2005, **ONEISSI** was in the vicinity of ABU ADASS' home and used **Purple 095** to contact S15 on **Purple 231**. **ONEISSI** and **SABRA** would later participate in ensuring delivery of the video for broadcast, accompanied by a letter in Arabic, after the assassination.

- b. **ONEISSI** and **SABRA** have a history of contact with each other and with **S15** on **Purple 231**. In particular, **ONEISSI** and **SABRA** were in contact with each other on their **Purple phones** 84 times between 12 January 2003 and 16 February 2005. **SABRA** has been in contact 212 times with **S15** on **Purple 231** between 7 January 2003 and 14 February 2005, and **ONEISSI** 195 times with **S15** on **Purple 231** between 25 June 2003 and 26 January 2005.
- c. Between 4 December 2003 and 6 February 2005, **S15** on **Purple 231** was in contact 32 times with **AYYASH** on PMP 165, PMP 935, and PMP 091, and in particular 7 times on PMP 091 between 23 January 2005 and 6 February 2005.
21. Between 1 January 2005 and 14 February 2005, often during activity by the assassination team, **BADREDDINE** on **Green 023** was in contact 59 times with **AYYASH** on **Green 300**.
22. On 4 January 2005, **S6** and **S9** activated the eight **Red Network** phones in the Tripoli area over a period of approximately 30 minutes. The **Red Network** phones were all pre-paid and purchased without supplying subscriber information.
23. 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 300**, contacted **BADREDDINE** twice on **Green 023**.
24. 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.
25. [Redacted]. [Redacted].

26. 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 vicinity of Quraitem Palace and the Grand Mosque. **AYYASH**, on **Red 741**, participated in the observations on that day.
27. On 25 January 2005, six relevant **Blue Phones** were active, including **Blue 233** belonging to **AYYASH** who made 16 calls. In particular:
- a. Between 14:41 and 14:59, **AYYASH** on **Blue 233** in Beirut was in contact 3 times with **S6** on **Blue 610** who was in the Tripoli area.
  - b. At 15:10, **AYYASH** on **Green 300** called **BADREDDINE** on **Green 023** for 81 seconds.
  - c. Between 15:30 and 16:00, **S6** on **Blue 610**, 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, **S6** on **Blue 610** during the purchase negotiations called **AYYASH** on **Blue 233** for 81 seconds.
28. On 28 January 2005, HARIRI stayed at Quraitem Palace throughout the day. The assassination team, using the **Red Network** phones, including **AYYASH** on **Red 741**, operated for more than six hours around Quraitem Palace and HARIRI's residence in Faqra.
29. 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 741**, **Blue 233** and **Green 300**. In particular, on



**Green 300**, he was in communication 11 times between 10:49 and 12:07 with **BADREDDINE** on **Green 023**.

30. On 2 February 2005, **S8**, coordinating with **AYYASH** and **S6**, travelled to the greater Tripoli area where they, over a 45 minute period, topped up the credit of the eight **Red Network** phones. In the same area, within 10 minutes of the top-up, **S8** on **Blue 817**, called **S6** on **Blue 610**. Later, while travelling back to Beirut, **S8**, on **Blue 817**, was in communication 3 times with **AYYASH** in Beirut on **Blue 233**.
31. 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. **AYYASH**, **S5**, **S6**, **S7**, **S8**, **S9**, and **S10** were all active on their **Red Network** and/or **Blue Network** phones around Quraitem Palace and/or the St. Georges Yacht Club at the same time that **HARIRI** was having lunch there. In particular:
  - a. **AYYASH**, on **Red 741**, was around the St. Georges Yacht Club and in regular contact with **S5**, **S7** and **S8**.
  - b. Between 13:56 and 15:44, **AYYASH** had contact four times on **Green 300** with **BADREDDINE** on **Green 023**.
  - c. Between the first and third **Green Network** call, **BADREDDINE** travelled from south Beirut to the area of the St. Georges Yacht Club.
  - d. By around 15:44, the time of the final call, **AYYASH** and **BADREDDINE** were both in the vicinity of the St. Georges Yacht Club and the location that would be used for the attack on 14 February 2005.
32. 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. **AYYASH** and the other members of the assassination team were active on their **Red Network** and/or **Blue Network** phones around Quraitem Palace, Parliament and the routes normally used by **HARIRI** to travel between both locations. In particular:

- a. **AYYASH** was active on **Red 741**, **Blue 233**, **Green 300**, and on his **PMP 170** and **PMP 091**, 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 300** was twice in communication with **BADREDDINE** on **Green 023**.

## 2. The Attack

33. On 14 February 2005, **AYYASH** and the other members of the assassination team 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, first on their **Blue Network** phones and later on their **Red Network** phones. In particular, there were 33 calls within the **Red Network** between 11:00 and 12:53, mostly in the vicinity of Parliament and the St. Georges Hotel. Significant calls included:
  - a. At 11:58, **AYYASH**, on **Green 300**, while positioned close to the area of the St. Georges Hotel, contacted **BADREDDINE** on **Green 023** for 14 seconds. The **Green Network** phones were never used again.
  - b. At 12:50:34, as **HARIRI** was leaving Parliament to drive home, **S8** on **Red 893** located near Parliament, called for 5 seconds to **S7** on **Red 946** located in the vicinity of the St. Georges Hotel and near the Mitsubishi Canter van. Immediately after, at 12:50:55, **S8** on **Red 893** then called **AYYASH** on **Red 741** for 10 seconds who was located between Parliament and the St. Georges Hotel. At 12:51:32, **S8** on **Red 893** called **S9** on **Red 652** for 7 seconds. At 12:52:02, **S9** on **Red 652** called **S5** on **Red 636** for 20 seconds. At 12:52:09, **S8** on **Red 893** called **S6** on **Red 678** for 13 seconds. At around this time, from a location close to **AYYASH**, the van began moving towards the St. Georges Hotel. Through these calls, **S8** informed **AYYASH**, **S7**, **S9**, **S6** and (through **S9**) **S5** 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 **S9** on **Red 652** to **S6** on **Red 678**, while both were in the vicinity of Parliament. By that time, all members of the assassination team had been informed of HARIRI's final movements. The **Red Network** phones were never used again.
34. On 14 February 2005, at about 12:52, closed-circuit TV footage shows the Mitsubishi Canter van move slowly towards the St. Georges Hotel.
35. 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.
36. 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 226 persons who were injured, and also caused partial destruction of the St. Georges Hotel and nearby buildings.
37. 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

38. ONEISSI and SABRA acted together in disseminating statements falsely attributing responsibility for the attack, ensuring the delivery of the video and ensuring that the video would be broadcast. Starting about 75 minutes after the attack, **ONEISSI** or **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** 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** 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** demanded with menace that Al-Jazeera broadcast the video, which was done shortly after.
39. 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 018** was in contact with **S15** on **Purple 231** on 7 occasions.
40. On 15 February 2005, **Purple 231** ceased being used.
41. On 16 February 2005, **ONEISSI's Purple 095** and **SABRA's Purple 018** ceased being used.

#### **E. THE CONSPIRACY**

42. **BADREDDINE, AYYASH, ONEISSI** and **SABRA**, together with others as yet unidentified, including the assassination team and **S15** on **Purple 231**, agreed to commit a terrorist act by means of an explosive device in order to assassinate **HARIRI**.

- a. **BADREDDINE** and **AYYASH** agreed to commit a terrorist act by means of an explosive device in order to assassinate **HARIRI** between 11 November 2004 and the morning of 14 February 2005 prior to the attack..
  - b. **BADREDDINE**, as monitor/coordinator, **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 **S15** on **Purple 231**, joined the conspiracy between 22 December 2004 and the morning of 14 February 2005 prior to the attack. In the conspiracy, they performed 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 ensure delivery of the video, with a letter attached, for broadcast after the assassination.
43. All four Accused are supporters of Hezbollah, which is a political and military organisation in Lebanon.
44. All who concluded or joined the criminal agreement were perpetrators of the conspiracy against state security. **BADREDDINE**, **AYYASH**, and the assassination team, were also perpetrators of the substantive offences of committing a terrorist act, intentional homicide of **HARIRI**, and of 21 others, and attempted intentional homicide of 226 others. Additionally, **ONEISSI**, **SABRA**, and **S15** on **Purple 231**, were accomplices to the above substantive offences by preparing and delivering the false claim of responsibility in order to shield the co-perpetrators and themselves from justice.
45. 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**.

#### IV. THE COUNTS

46. 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

47. **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

48. **MUSTAFA AMINE BADREDDINE** and **SALIM JAMIL AYYASH**, between the eleventh day of November 2004 and the morning of fourteenth day of February 2005 prior to the attack, and **HUSSEIN HASSAN ONEISSI** and **ASSAD HASSAN SABRA**, between the twenty-second day of December 2004 and the morning of fourteenth day of February 2005 prior to the attack,
- a. together with others unidentified,
  - b. each bearing individual criminal responsibility as co-perpetrators with shared intent,
  - c. 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,

- d. 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,
- e. which intentionally with premeditation should,
- f. or they foresaw and accepted the risk would,
- g. kill and attempt to kill others in the immediate vicinity of the explosion, and cause the partial destruction of buildings,
- h. and in so doing thereby together they committed a conspiracy against state security.

### **COUNT TWO**

#### **Statement of Offence**

49. **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**

50. **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.

### **COUNT THREE**

#### **Statement of Offence**

51. **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**

52. **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 to cause Rafik HARIRI's death and by knowingly bringing about the detonation of a large explosive device resulting in his death,
  - d. committed the intentional homicide of Rafik HARIRI,
  - e. in the aggravating circumstance of



- i. premeditation, and
- ii. by knowingly 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 that may cause death.

### **COUNT FOUR**

#### **Statement of Offence**

53. **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**

54. **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 knowingly 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 that may cause death,
- 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**

55. **Attempted Intentional Homicide** (of 226 persons in addition to the Intentional Homicide of Rafik HARIRI) **with premeditation by using explosive materials,**
- a. pursuant to Articles 188, 189, 200, 201, 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**

56. **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 knowingly bringing about the detonation at 12:55 at Rue Minet el Hos'n, Beirut, Lebanon, of approximately 2500 kilogrammes of TNT equivalent that may cause death,
- 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 226 other persons, as named alphabetically in Schedule B, which attempt failed to reach the intended result due to circumstances beyond the control of the co-perpetrators.

### **COUNT SIX**

#### **Statement of Offence**

57. **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**

58. **HUSSEIN HASSAN ONEISSI and ASSAD HASSAN SABRA,**
- a. between the twenty-second day of December 2004 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. **ONEISSI** and **SABRA**, knowing the intent of the said co-perpetrators to commit the said terrorist act,
- e. together with shared intent,
  - 1. each bearing individual criminal responsibility and participating as an accomplice to the terrorist act, and
  - 2. each aiding and abetting the co-perpetrators of the felony,
- f. 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, as follows:
  - i. as preparatory to the offence and/or acts to shield the co-perpetrators and themselves from justice, 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**

59. **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

60. **HUSSEIN HASSAN ONEISSI and ASSAD HASSAN SABRA,**

- a. between the twenty-second day of December 2004 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. **ONEISSI and SABRA**, knowing the intent of the said co-perpetrators to commit the said intentional homicide of Rafik HARIRI,
- e. 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,
- f. 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 as follows:
  - i. as preparatory to the offence and/or acts to shield the co-perpetrators and themselves from justice, 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**

61. **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**

62. **HUSSEIN HASSAN ONEISSI and ASSAD HASSAN SABRA**,
  - a. between the twenty-second day of December 2004 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. **ONEISSI and SABRA**, knowing the intent of the said co-perpetrators to kill others in addition to killing Rafik HARIRI,

- g. 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,
- h. 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, as follows:
  - i. as preparatory to the offence and/or acts to shield the co-perpetrators and themselves from justice, 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**

63. **Being an Accomplice to the felony of Attempted Intentional Homicide** (of 226 persons in addition to the Intentional Homicide of Rafik HARIRI) **with premeditation by using explosive materials,**
- a. pursuant to Articles 188, 189, 200, 201, 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.

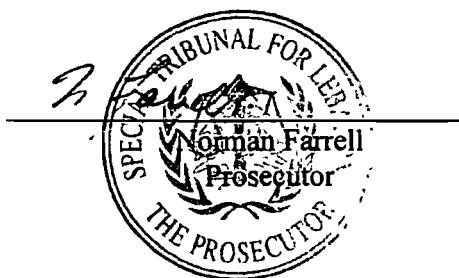


**Particulars of Offence**

64. **HUSSEIN HASSAN ONEISSI and ASSAD HASSAN SABRA,**
- a. between the twenty-second day of December 2004 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 226 others, which attempt failed to reach the intended result due to circumstances beyond the control of the co-perpetrators,
  - f. **ONEISSI and SABRA,** knowing the intent of the said co-perpetrators to attempt to kill others in addition to killing Rafik HARIRI,
  - g. together with shared intent,
    - i. each bearing individual criminal responsibility and participating as an accomplice to the attempted intentional homicide of 226 others, and
    - ii. each aiding and abetting the co-perpetrators of the felony,
  - h. 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, as follows:
    - i. as preparatory to the offence and/or acts to shield the co-perpetrators and themselves from justice, 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.



This 6<sup>th</sup> day of February 2013,  
Leidschendam, The Netherlands

8,337
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]; died 14 February 2005, cause of death - burns due to an explosion.
2. Omar Ahmad **Al-Masri**, [Redacted]; died 14 February 2005, cause of death - (not provided on death certificate).
3. Mazen Adnan **Al-Zahabi**, [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]; 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]. 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]; died 14 February 2005, cause of death - burns due to an explosion.
7. Talal Nabih **Nasser**, [Redacted]; died 14 February 2005, cause of death - burns due to an explosion.
8. Ziad Mohammed **Tarraf**, [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]; died 14 February 2005, cause of death - crushed and disfigured in explosion.
10. Zahi Halim **Abu Rjeily**, [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]; died 14 February 2005, cause of death - explosion leading to death.
12. Mahmoud Saleh **Al-Khalaf**, [Redacted]; died 14 February 2005, cause of death - explosion leading to death.
13. Sobhi Mohammed **Al-Khodr**, [Redacted]; died 14 February 2005.
14. Rima Mohammed Raif **Bazzi**, [Redacted]; died 14 February 2005, cause of death - multiple injuries caused by the St. George's explosion.
15. Abdo Tawfik **Bou Farah**, [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]; died 14 February 2005, cause of death - burns due to an explosion.
17. Abd Al-Hamid Mohammed **Ghalayeeni**, [Redacted]; died 14 February 2005, cause of death - injuries due to an explosion.
18. Rawad Hussein Suleiman **Haidar**, [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]; died 14 February 2005, cause of death - burns due to an explosion.
21. Haitham Khaled **Othman**, [Redacted]; died 15 February 2005, cause of death - [illegible]... explosion.

## Schedule B

Below is an alphabetical list of 226 persons<sup>7</sup> 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.

	Last Name	First Name(s)	Father's Name
1	[Redacted]	[Redacted]	[Redacted]
2	[Redacted]	[Redacted]	[Redacted]
3	[Redacted]	[Redacted]	[Redacted]
4	[Redacted]	[Redacted]	[Redacted]
5	[Redacted]	[Redacted]	[Redacted]
6	[Redacted]	[Redacted]	[Redacted]
7	[Redacted]	[Redacted]	[Redacted]
8	[Redacted]	[Redacted]	[Redacted]
9	[Redacted]	[Redacted]	[Redacted]
10	[Redacted]	[Redacted]	[Redacted]
11	[Redacted]	[Redacted]	[Redacted]
12	[Redacted]	[Redacted]	[Redacted]
13	[Redacted]	[Redacted]	[Redacted]
14	[Redacted]	[Redacted]	[Redacted]
15	[Redacted]	[Redacted]	[Redacted]
16	[Redacted]	[Redacted]	[Redacted]
17	[Redacted]	[Redacted]	[Redacted]
18	[Redacted]	[Redacted]	[Redacted]
19	[Redacted]	[Redacted]	[Redacted]
20	[Redacted]	[Redacted]	[Redacted]
21	[Redacted]	[Redacted]	[Redacted]
22	[Redacted]	[Redacted]	[Redacted]
23	[Redacted]	[Redacted]	[Redacted]
24	[Redacted]	[Redacted]	[Redacted]
25	[Redacted]	[Redacted]	[Redacted]
26	[Redacted]	[Redacted]	[Redacted]
27	[Redacted]	[Redacted]	[Redacted]
28	[Redacted]	[Redacted]	[Redacted]
29	[Redacted]	[Redacted]	[Redacted]
30	[Redacted]	[Redacted]	[Redacted]
31	[Redacted]	[Redacted]	[Redacted]
32	[Redacted]	[Redacted]	[Redacted]
33	[Redacted]	[Redacted]	[Redacted]
34	[Redacted]	[Redacted]	[Redacted]

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

	<b>Last Name</b>	<b>First Name(s)</b>	<b>Father's Name</b>
35	[Redacted]	[Redacted]	[Redacted]
36	[Redacted]	[Redacted]	[Redacted]
37	[Redacted]	[Redacted]	[Redacted]
38	[Redacted]	[Redacted]	[Redacted]
39	[Redacted]	[Redacted]	[Redacted]
40	[Redacted]	[Redacted]	[Redacted]
41	[Redacted]	[Redacted]	[Redacted]
42	[Redacted]	[Redacted]	[Redacted]
43	[Redacted]	[Redacted]	[Redacted]
44	[Redacted]	[Redacted]	[Redacted]
45	[Redacted]	[Redacted]	[Redacted]
46	[Redacted]	[Redacted]	[Redacted]
47	[Redacted]	[Redacted]	[Redacted]
48	[Redacted]	[Redacted]	[Redacted]
49	[Redacted]	[Redacted]	[Redacted]
50	[Redacted]	[Redacted]	[Redacted]
51	[Redacted]	[Redacted]	[Redacted]
52	[Redacted]	[Redacted]	[Redacted]
53	[Redacted]	[Redacted]	[Redacted]
54	[Redacted]	[Redacted]	[Redacted]
55	[Redacted]	[Redacted]	[Redacted]
56	[Redacted]	[Redacted]	[Redacted]
57	[Redacted]	[Redacted]	[Redacted]
58	[Redacted]	[Redacted]	[Redacted]
59	[Redacted]	[Redacted]	[Redacted]
60	[Redacted]	[Redacted]	[Redacted]
61	[Redacted]	[Redacted]	[Redacted]
62	[Redacted]	[Redacted]	[Redacted]
63	[Redacted]	[Redacted]	[Redacted]
64	[Redacted]	[Redacted]	[Redacted]
65	[Redacted]	[Redacted]	[Redacted]
66	[Redacted]	[Redacted]	[Redacted]
67	[Redacted]	[Redacted]	[Redacted]
68	[Redacted]	[Redacted]	[Redacted]
69	[Redacted]	[Redacted]	[Redacted]
70	[Redacted]	[Redacted]	[Redacted]
71	[Redacted]	[Redacted]	[Redacted]
72	[Redacted]	[Redacted]	[Redacted]
73	[Redacted]	[Redacted]	[Redacted]
74	[Redacted]	[Redacted]	[Redacted]
75	[Redacted]	[Redacted]	[Redacted]
76	[Redacted]	[Redacted]	[Redacted]
77	[Redacted]	[Redacted]	[Redacted]

	<b>Last Name</b>	<b>First Name(s)</b>	<b>Father's Name</b>
78	[Redacted]	[Redacted]	[Redacted]
79	[Redacted]	[Redacted]	[Redacted]
80	[Redacted]	[Redacted]	[Redacted]
81	[Redacted]	[Redacted]	[Redacted]
82	[Redacted]	[Redacted]	[Redacted]
83	[Redacted]	[Redacted]	[Redacted]
84	[Redacted]	[Redacted]	[Redacted]
85	[Redacted]	[Redacted]	[Redacted]
86	[Redacted]	[Redacted]	[Redacted]
87	[Redacted]	[Redacted]	[Redacted]
88	[Redacted]	[Redacted]	[Redacted]
89	[Redacted]	[Redacted]	[Redacted]
90	[Redacted]	[Redacted]	[Redacted]
91	[Redacted]	[Redacted]	[Redacted]
92	[Redacted]	[Redacted]	[Redacted]
93	[Redacted]	[Redacted]	[Redacted]
94	[Redacted]	[Redacted]	[Redacted]
95	[Redacted]	[Redacted]	[Redacted]
96	[Redacted]	[Redacted]	[Redacted]
97	[Redacted]	[Redacted]	[Redacted]
98	[Redacted]	[Redacted]	[Redacted]
99	[Redacted]	[Redacted]	[Redacted]
100	[Redacted]	[Redacted]	[Redacted]
101	[Redacted]	[Redacted]	[Redacted]
102	[Redacted]	[Redacted]	[Redacted]
103	[Redacted]	[Redacted]	[Redacted]
104	[Redacted]	[Redacted]	[Redacted]
105	[Redacted]	[Redacted]	[Redacted]
106	[Redacted]	[Redacted]	[Redacted]
107	[Redacted]	[Redacted]	[Redacted]
108	[Redacted]	[Redacted]	[Redacted]
109	[Redacted]	[Redacted]	[Redacted]
110	[Redacted]	[Redacted]	[Redacted]
111	[Redacted]	[Redacted]	[Redacted]
112	[Redacted]	[Redacted]	[Redacted]
113	[Redacted]	[Redacted]	[Redacted]
114	[Redacted]	[Redacted]	[Redacted]
115	[Redacted]	[Redacted]	[Redacted]
116	[Redacted]	[Redacted]	[Redacted]
117	[Redacted]	[Redacted]	[Redacted]
118	[Redacted]	[Redacted]	[Redacted]
119	[Redacted]	[Redacted]	[Redacted]
120	[Redacted]	[Redacted]	[Redacted]

	<b>Last Name</b>	<b>First Name(s)</b>	<b>Father's Name</b>
121	[Redacted]	[Redacted]	[Redacted]
122	[Redacted]	[Redacted]	[Redacted]
123	[Redacted]	[Redacted]	[Redacted]
124	[Redacted]	[Redacted]	[Redacted]
125	[Redacted]	[Redacted]	[Redacted]
126	[Redacted]	[Redacted]	[Redacted]
127	[Redacted]	[Redacted]	[Redacted]
128	[Redacted]	[Redacted]	[Redacted]
129	[Redacted]	[Redacted]	[Redacted]
130	[Redacted]	[Redacted]	[Redacted]
131	[Redacted]	[Redacted]	[Redacted]
132	[Redacted]	[Redacted]	[Redacted]
133	[Redacted]	[Redacted]	[Redacted]
134	[Redacted]	[Redacted]	[Redacted]
135	[Redacted]	[Redacted]	[Redacted]
136	[Redacted]	[Redacted]	[Redacted]
137	[Redacted]	[Redacted]	[Redacted]
138	[Redacted]	[Redacted]	[Redacted]
139	[Redacted]	[Redacted]	[Redacted]
140	[Redacted]	[Redacted]	[Redacted]
141	[Redacted]	[Redacted]	[Redacted]
142	[Redacted]	[Redacted]	[Redacted]
143	[Redacted]	[Redacted]	[Redacted]
144	[Redacted]	[Redacted]	[Redacted]
145	[Redacted]	[Redacted]	[Redacted]
146	[Redacted]	[Redacted]	[Redacted]
147	[Redacted]	[Redacted]	[Redacted]
148	[Redacted]	[Redacted]	[Redacted]
149	[Redacted]	[Redacted]	[Redacted]
150	[Redacted]	[Redacted]	[Redacted]
151	[Redacted]	[Redacted]	[Redacted]
152	[Redacted]	[Redacted]	[Redacted]
153	[Redacted]	[Redacted]	[Redacted]
154	[Redacted]	[Redacted]	[Redacted]
155	[Redacted]	[Redacted]	[Redacted]
156	[Redacted]	[Redacted]	[Redacted]
157	[Redacted]	[Redacted]	[Redacted]
158	[Redacted]	[Redacted]	[Redacted]
159	[Redacted]	[Redacted]	[Redacted]
160	[Redacted]	[Redacted]	[Redacted]
161	[Redacted]	[Redacted]	[Redacted]
162	[Redacted]	[Redacted]	[Redacted]
163	[Redacted]	[Redacted]	[Redacted]



	<b>Last Name</b>	<b>First Name(s)</b>	<b>Father's Name</b>
164	[Redacted]	[Redacted]	[Redacted]
165	[Redacted]	[Redacted]	[Redacted]
166	[Redacted]	[Redacted]	[Redacted]
167	[Redacted]	[Redacted]	[Redacted]
168	[Redacted]	[Redacted]	[Redacted]
169	[Redacted]	[Redacted]	[Redacted]
170	[Redacted]	[Redacted]	[Redacted]
171	[Redacted]	[Redacted]	[Redacted]
172	[Redacted]	[Redacted]	[Redacted]
173	[Redacted]	[Redacted]	[Redacted]
174	[Redacted]	[Redacted]	[Redacted]
175	[Redacted]	[Redacted]	[Redacted]
176	[Redacted]	[Redacted]	[Redacted]
177	[Redacted]	[Redacted]	[Redacted]
178	[Redacted]	[Redacted]	[Redacted]
179	[Redacted]	[Redacted]	[Redacted]
180	[Redacted]	[Redacted]	[Redacted]
181	[Redacted]	[Redacted]	[Redacted]
182	[Redacted]	[Redacted]	[Redacted]
183	[Redacted]	[Redacted]	[Redacted]
184	[Redacted]	[Redacted]	[Redacted]
185	[Redacted]	[Redacted]	[Redacted]
186	[Redacted]	[Redacted]	[Redacted]
187	[Redacted]	[Redacted]	[Redacted]
188	[Redacted]	[Redacted]	[Redacted]
189	[Redacted]	[Redacted]	[Redacted]
190	[Redacted]	[Redacted]	[Redacted]
191	[Redacted]	[Redacted]	[Redacted]
192	[Redacted]	[Redacted]	[Redacted]
193	[Redacted]	[Redacted]	[Redacted]
194	[Redacted]	[Redacted]	[Redacted]
195	[Redacted]	[Redacted]	[Redacted]
196	[Redacted]	[Redacted]	[Redacted]
197	[Redacted]	[Redacted]	[Redacted]
198	[Redacted]	[Redacted]	[Redacted]
199	[Redacted]	[Redacted]	[Redacted]
200	[Redacted]	[Redacted]	[Redacted]
201	[Redacted]	[Redacted]	[Redacted]
202	[Redacted]	[Redacted]	[Redacted]
203	[Redacted]	[Redacted]	[Redacted]
204	[Redacted]	[Redacted]	[Redacted]
205	[Redacted]	[Redacted]	[Redacted]
206	[Redacted]	[Redacted]	[Redacted]

	Last Name	First Name(s)	Father's Name
207	[Redacted]	[Redacted]	[Redacted]
208	[Redacted]	[Redacted]	[Redacted]
209	[Redacted]	[Redacted]	[Redacted]
210	[Redacted]	[Redacted]	[Redacted]
211	[Redacted]	[Redacted]	[Redacted]
212	[Redacted]	[Redacted]	[Redacted]
213	[Redacted]	[Redacted]	[Redacted]
214	[Redacted]	[Redacted]	[Redacted]
215	[Redacted]	[Redacted]	[Redacted]
216	[Redacted]	[Redacted]	[Redacted]
217	[Redacted]	[Redacted]	[Redacted]
218	[Redacted]	[Redacted]	[Redacted]
219	[Redacted]	[Redacted]	[Redacted]
220	[Redacted]	[Redacted]	[Redacted]
221	[Redacted]	[Redacted]	[Redacted]
222	[Redacted]	[Redacted]	[Redacted]
223	[Redacted]	[Redacted]	[Redacted]
224	[Redacted]	[Redacted]	[Redacted]
225	[Redacted]	[Redacted]	[Redacted]
226	[Redacted]	[Redacted]	[Redacted]

