

The Pre-Trial Judge



Le Juge de la mise en état

**BEFORE THE PRE-TRIAL JUDGE**

Case No. : **CH/PTJ/2010/01**  
Pre-Trial Judge: **Judge Daniel Fransen**  
Acting Registrar: **Mr Herman von Hebel**  
Date: **21 April 2010**  
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**SCHEDULING ORDER FOR DETERMINATION OF THE APPLICATION OF MR  
JAMIL EL SAYED DATED 17 MARCH 2010**

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**Counsel:**

Mr Akram Azoury

**Office of the Prosecutor:**

Mr Daniel Bellemare, MSM, QC

**Defence Office:**

Mr François Roux

## **I. – The Application:**

1. On 17 March 2010, Mr Jamil El Sayed, represented by his Counsel Akram Azoury, submitted an application before the President of the Special Tribunal for Lebanon (the “President” and the “Tribunal”, respectively), that was filed confidentially with the Registry of the Tribunal, requesting “evidentiary material related to the crimes of libellous denunciations and arbitrary detention” (the “Application”).<sup>1</sup>

## **II. – The President’s Order:**

2. On 15 April 2010, in accordance with Article 10 (1) of Statute of the Tribunal and Rule 32 (B) of the Rules of Procedure and Evidence of the Tribunal (the “Rules”), the President issued an order “assigning the matter to the Pre-Trial Judge” (the “President’s Order”).

3. It is appropriate to note that pursuant to the President’s Order, “[f]rom this moment [15 April 2010] onwards, the Applicant is granted standing to submit filings in this matter and according to the relevant rules and procedures”,<sup>2</sup> including those in the Practice Direction on the Filing of Documents before the Tribunal (the “Direction”).

4. In the disposition of the President’s Order, the President assigned the matter “[...] to the Pre-Trial Judge so that, after hearing the Prosecutor and the Applicant, he may pronounce on whether the Tribunal has jurisdiction over the issue and the Applicant has standing before the Tribunal. Should the Pre-Trial Judge consider it appropriate, he will thus be in a position to rule on the merits of the Application”.<sup>3</sup>

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<sup>1</sup> Application, p. 1.

<sup>2</sup> President’s Order, p. 8, para. 17.

<sup>3</sup> *Ibid.*, p. 19.

### **III. – Statement of Reasons:**

5. In order to rule on the Application in accordance with the President’s Order, the procedure before the Pre-Trial Judge must be organized. Accordingly, in the interests of the proper administration of justice, it is appropriate to:

- (i) establish a schedule for the procedure;
- (ii) settle the questions related to the jurisdiction of the Tribunal and the Applicant’s standing to take part in the proceedings prior to an examination of the merits of the Application; and
- (iii) recall that the Direction shall henceforth apply to both Mr Jamil El Sayed and the Prosecutor.

### **IV. – Disposition:**

**FOR THESE REASONS,**

**IN ACCORDANCE** with Rules 7, 8 and 9 of the Rules,

**THE PRE-TRIAL JUDGE**

**DETERMINES** the schedule for the procedure as follows:

- (i) within 14 days of the filing of this order, Mr Jamil El Sayed shall, should he deem it appropriate, submit in writing and in accordance with the procedures set out in the Direction, all of the arguments of law and fact along with any relevant documents and materials related to whether “the Tribunal has jurisdiction over the issue [raised in the Application] and the Applicant has standing before the Tribunal”,<sup>4</sup>
- (ii) within 14 days of the filing of the arguments of Mr Jamil El Sayed or within 14 days of the expiration of the time-limit set out in the same paragraph, in the case

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<sup>4</sup> *Ibid.*

where Mr Jamil El Sayed does not submit any arguments or documents or materials in accordance with paragraph (i) above, the Prosecutor shall, should he deem it appropriate, file a written response to the Application and to any arguments, documents and materials in support thereof, according to the procedures set out in the Direction;

- (iii) within seven days of the response filed by the Prosecutor pursuant to paragraph (ii) above, Mr Jamil El Sayed shall, should he deem it appropriate, file a reply according to the procedures set out in the Direction;
- (iv) within seven days of the reply filed by Mr Jamil El Sayed pursuant to paragraph (iii) above, the Prosecutor shall, should he deem it appropriate, file a rejoinder according to the procedures set out in the Direction; and
- (v) following this exchange, should he deem it appropriate, the Pre-Trial Judge shall, *proprio motu* or at the express and reasoned request of Mr Jamil El Sayed or the Prosecutor, order that a public hearing be held and set a date for such hearing.

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

Leidschendam, 21 April 2010.

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Daniel Fransen  
Pre-Trial Judge