



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE PRESIDENT OF THE TRIBUNAL

Case No.: STL-11-01/I
Before: Judge Antonio Cassese
Registrar: Mr Herman von Hebel
Date: 21 January 2011
Original language: English
Type of document: Public

SCHEDULING ORDER

The Prosecutor:
Mr Daniel Bellemare, MSM, QC

The Head of the Defence Office:
Mr François Roux





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I, **Antonio Cassese, PRESIDENT** of the Special Tribunal for Lebanon (“Tribunal”);

NOTING the “*Ordonnance relative aux questions préjudicielles adressées aux juges de la Chambre d’Appel conformément à l’article 68, paragraphe g) du Règlement de procédure et de preuve*” (Order), filed earlier today by the Pre-Trial Judge;

NOTING Rule 68(G) of the Rules of Procedure and Evidence, which provides that ‘Pre-Trial Judge may submit to the Appeals Chamber any preliminary question, on the interpretation of the Agreement, Statute and Rules regarding the applicable law, that he deems necessary in order to examine and rule on the indictment’;

NOTING Rule 176 *bis* of the Rules of Procedure and Evidence, which provides *inter alia* that ‘[b]efore rendering its decision, the Appeals Chamber shall hear the Prosecutor and the Head of Defence Office in public session’, ‘without prejudging the rights of any accused’;

NOTING that the questions raised by the Pre-Trial Judge, contained in his submission of 21 January 2011 touch upon the following five areas:

1. Notion of terrorist acts;
2. Notion of conspiracy (“*complot*”);
3. Constitutive elements of intentional homicide with premeditation (“*homicide intentionnel avec préméditation*”) and attempted intentional homicide with premeditation (“*tentative d’assassinat*”);
4. Modes of responsibility, with specific reference to commission and co-perpetration (“*coaction*”);
5. Cumulative charging and plurality of offences (“*concours de qualification*”).

NOTING that the Order by the Pre-Trial Judge provides the authoritative version of the questions that must be answered by the Parties;



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CONSIDERING the need for a comprehensive discussion of the issues raised by the Pre-Trial Judge;

CONSIDERING that these issues are complex and deserve careful consideration, but that at the same time it is imperative, in the interest of justice, that they be treated by the Appeals Chamber as expeditiously as possible so that the Pre-Trial Judge may be in a position to confirm or dismiss counts from the indictment without delay;

CONSIDERING, in particular, that such expeditiousness in the confirmation or rejection of the indictment is required not only by the need to ensure an efficient administration of justice, but also, and indeed chiefly, by the right of suspects and accused to be presumed innocent and therefore that any allegation against them be verified quickly;

PURSUANT to Rule 32(B) of the Rules of Procedure and Evidence,

ORDER the Prosecutor and the Head of the Defence Office to file by 31 January 2011 at noon written briefs on the questions above, not exceeding 60 pages;¹

ORDER the Prosecutor and the Head of the Defence Office to file by 4 February 2011 at 4 p.m. skeleton arguments, not exceeding 10 pages, in response to the other Party;

ORDER that the Appeals Chamber shall convene and hold a public hearing in this matter, so as to provide the Parties in these proceedings an opportunity to respond to each other's submissions;

INFORM the Parties that the public hearing shall take place on 7 February 2011 at 9:00 hours, with the following schedule, subject to adjustments where appropriate:

¹ All filings shall otherwise conform to the Practice Direction on Filing of Documents before the Special Tribunal for Lebanon (STL-PD-2010-01) of 15 January 2010, except that copies of authorities pursuant to Article 4 thereof do not need to be provided if easily retrievable on the internet in English or French.



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9:00 – 9:10	Opening remarks by the Presiding Judge	
9:10 – 10:00	Prosecutor's remarks on item 1, above	(50 min.)
10:00 – 10:50	Defence Office remarks on item 1, above	(50 min.)
10:50 – 11:10	Break	
11:10 – 12:00	Prosecutor's remark on items 2 and 3, above	(50 min.)
12:00 – 12:50	Defence Office remarks on items 2 and 3, above	(50 min.)
12:50 – 13:50	Lunch Break	
13:50 – 15:00	Prosecutor's remarks on items 4 and 5, above	(h. 1.10)
15:00 – 15:20	Break	
15:20 – 16:30	Defence Office remarks on items 4 and 5, above	(h. 1.10)
16:30 – 17:00	Additional questions from the Judges	(30 min.)

REQUEST that the Parties use the time allotted at the hearing to address new arguments not already raised in writing and to answer any question of the Judges; and

DESIGNATE myself as Judge Rapporteur in this matter pursuant to Rule 36 of the Rules of Procedure and Evidence.

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

Dated this 21st day of January 2011,

Leidschendam, The Netherlands

Judge Antonio Cassese
President

