

**THE PRESIDENT OF THE TRIBUNAL**

Case No.: CH/PRES/2011/01
Before: Judge Antonio Cassese
Registrar: Mr Herman von Hebel
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Special Tribunal for Lebanon

**SCHEDULING ORDER FOR APPEAL AGAINST DECISION OF THE PRE-
TRIAL JUDGE OF 12 MAY 2011**

Counsel:
Mr Akram Azoury

The Prosecutor:
Mr Daniel A. Bellemare, MSM, QC

The Head of the Defence Office:
Mr François Roux





I, ANTONIO CASSESE, President of the Special Tribunal for Lebanon (“Tribunal”);

NOTING the “Appel partiel de la décision du Juge de la mise en état portant sur la remise de pièces du dossier pénal de M. El Sayed du 12 mai 2011” (“Appeal”) filed on 23 May 2011 by Mr Jamil El Sayed (“Appellant”), who challenges the Pre-Trial Judge’s “Decision on the Disclosure of Materials from the Criminal File of Mr El Sayed” (“Pre-Trial Judge’s Decision”);

RECALLING the Order on Composition of the Appeals Chamber issued by me on 12 October 2010;

CONSIDERING that no procedure for the consideration of such an appeal is explicitly set out in the Tribunal’s Statute (“Statute”) and Rules of Procedure and Evidence (“Rules”);

CONSIDERING that, should the Appellant later deem the execution of the required disclosure by the Prosecutor not to be in compliance with the Tribunal’s orders or decisions, he may then file motions before the Pre-Trial Judge in this respect;

CONSIDERING, however, the need for an expeditious and fair determination of the legal matters raised by the Appellant, *i.e.*, whether the Pre-Trial Judge’s Decision excluding (i) correspondence between the United Nations (“UN”) International Independent Investigation Commission and the Lebanese authorities, (ii) internal memoranda, and (iii) investigators’ notes from the Prosecutor’s disclosure obligations unduly limits the Appellant’s right of access;

RECALLING in this regard the Scheduling Order issued by me on 1 October 2010, which noted the need to provide immediate judicial review on questions of law “where fairness and the need for the expeditious administration of justice so require with a view to preventing possibly erroneous decisions from having a negative impact on the further conduct and the outcome of the proceedings”;



CONSIDERING that, to the extent the Appeal raises legal questions that are *prima facie* reasonably disputed, the prompt resolution of such legal questions appears likely to prevent unnecessary prejudice and delay and therefore further judicial economy;

CONSIDERING further the need for the Appeals Chamber to convene in order to carry out its judicial function;

PURSUANT TO Article 17 of the Annex to UN Security Council Resolution 1757 (2007), Articles 10 and 21 of the Statute, and Rules 3, 8, 32(B), and 36, *mutatis mutandis*;

HEREBY ORDER that the Prosecutor shall file a response, if any, to the Appeal by 10 June 2011 and the Appellant a reply thereto, if any, by 22 June 2011;

CONFIRM that the bench in the matter presently before the Appeals Chamber shall be composed as follows:

Judge Antonio Cassese, Presiding
Judge Ralph Riachy
Judge Sir David Baragwanath
Judge Afif Chamseddine
Judge Kjell Erik Björnberg

ASSIGN Judge Sir David Baragwanath, after having consulted with the Judges of the Appeals Chamber according to Rule 36, as Judge Rapporteur in the matter.

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

Filed this 25th day of May 2011,

Leidschendam, The Netherlands

Judge Antonio Cassese
President

