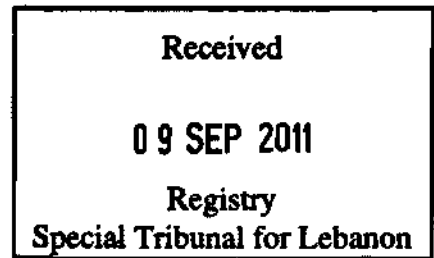


**PRESIDENT OF THE TRIBUNAL**

**Filing No.:** CH/PRES/2011/01  
**Before:** Judge Antonio Cassese, President  
**Registrar:** Mr. Herman von Hebel  
**Date:** 9 September 2011  
**Original language:** English  
**Type of document:** Public



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**SCHEDULING ORDER**

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**Counsel:**  
Mr. Akram Azoury

**Office of the Prosecutor:**  
Mr. Daniel A. Bellemare, MSM, Q.C.  
Mr. Daryl A. Mundis  
Mr. Ekkehard Withopf  
Mr. David Kinnecome  
Ms. Marie-Sophie Poulin

**Head of the Defence Office:**  
Mr. François Roux





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

**NOTING** that, on 2 September 2011, the Pre-Trial Judge ordered that certain documents be disclosed to Jamil El Sayed (“Mr. El Sayed”) by 12 September 2011 at the latest (“Order”);<sup>1</sup>

**NOTING** that, on 8 September 2011 at 4:26 pm the Appeals Chamber received an “Urgent Prosecution’s Request for Suspensive Effect Pending Appeal of the Pre-Trial Judge’s Decision of 2 September 2011” (“Request”);

**NOTING** that, save in exceptional circumstances to be demonstrated by the applicant, Rule 126(F) of the Tribunal’s Rules of Procedure and Evidence (“Rules”) grants the Appeals Chamber jurisdiction to issue orders on suspension only after an appeal has been filed on the basis of the reasons set forth in the appeal;

**CONSIDERING**, however, that the Appeals Chamber is not seized of any appeal in the instant case;

**CONSIDERING** that the “urgent” Request could have been filed on Monday, 5 September 2011, or on Tuesday, 6 September 2011, or on Wednesday, 7 September 2011, and was instead only filed late on Thursday, 8 September 2011;

**CONSIDERING** furthermore that the Appeals Chamber should not generally rule on such a matter without having provided the other party with an opportunity to respond;

**NOTING** the President’s authority under Article 10(1) of the Statute and 32 of the Rules, and after having consulted with the other Appeals Judges;

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<sup>1</sup> Decision relating to the Prosecutor’s second application for suspension of the Decision of 6 July 2011, CH/PTJ/2011/15, 2 September 2011.



**HEREBY CONSIDER** the Request as not properly before the Appeals Chamber;

**RECALL** that the Appeals Chamber has not yet ruled on whether an appeal in the instant matter would require certification;

**ORDER** that, should the Prosecution intend to file a proper motion for suspensive effect of the Order, it shall do so together with, or after, any appeal of the Order, and detailing with precision the reasons why a suspension is necessary, no later than 10 am on Monday, 12 September 2011;

**ORDER** that, should Mr. El Sayed intend to respond to any request for suspensive effect filed by the Prosecution, he may do so in writing without any formality (e.g., by fax or e-mail) no later than 2pm on Monday, 12 September 2011;

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

Filed this 9 September 2011,

Leidschendam, the Netherlands

Judge Antonio Cassese

President

