

**BEFORE THE TRIAL CHAMBER**

**Case No.:** STL-11-01/I/TC

**Before:** Judge Robert Roth, Presiding  
Judge Micheline Braidy  
Judge David Re  
Judge Janet Nosworthy, Alternate Judge  
Judge Walid Akoum, Alternate Judge

**Registrar:** Mr. Herman von Hebel

**Date:** 20 October 2011

**Original language:** English

**Type of document:** Public

**THE PROSECUTOR**

v.

**SALIM JAMIL AYYASH  
MUSTAFA AMINE BADREDDINE  
HUSSEIN HASSAN ONEISSI &  
ASSAD HASSAN SABRA**

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**SCHEDULING ORDER IN RESPECT OF RULE 106 OF  
THE RULES OF PROCEDURE AND EVIDENCE**

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**Office of the Prosecutor:**  
Mr. Daniel A. Bellemare, MSM, Q.C.

**Accused:**  
Mr. Salim Jamil Ayyash  
Mr. Mustafa Amine Badreddine  
Mr. Hussein Hassan Oneissi  
Mr. Assad Hassan Sabra

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





1. On 17 October 2011, the Pre-Trial Judge issued an order pursuant to Rule 105 *bis* (A) of the Rules of Procedure and Evidence asking the Trial Chamber to initiate proceedings *in absentia*.<sup>1</sup>
2. Before initiating proceedings *in absentia*, the Trial Chamber has to determine whether the requirements of Rule 106 (A) have been met, namely that an accused:
  - (i) has expressly and in writing waived his right to be present at proceedings before the Tribunal;
  - (ii) has not been handed over to the Tribunal by the State authorities concerned within a reasonable time; or
  - (iii) has absconded or otherwise cannot be found and all reasonable steps have been taken to secure his appearance before the Tribunal and to inform him of the charges by the Pre-Trial Judge.
3. The Trial Chamber considers it appropriate, in making its determination under Rules 105 *bis* and 106, to seek written submissions from the Office of the Prosecutor and each accused. As the accused are yet to appoint defence counsel, the Trial Chamber also considers it appropriate to invite the Defence Office to file written submissions.
4. The Trial Chamber will also schedule a hearing.

**FOR THESE REASONS** the Trial Chamber:

- (i) Requests the Office of the Prosecutor and Mr. Salim Jamil Ayyash, Mr. Mustafa Amine Badreddine, Mr. Hussein Hassan Oneissi and Mr. Assad Hassan Sabra to file written submissions; and,
- (ii) Invites the Defence Office to make written submissions,

<sup>1</sup> Affaire No. STL-11-01/01/I, Ordonnance de Saisine de la Chambre de Première Instance conformément à l'Article 105 *bis*, paragraphe A) du Règlement de Procédure et de Preuve aux fins de Statuer sur l'Engagement d'une Procédure par Défaut, et les documents détaillés dans l'annexe de l'ordonnance, 17 octobre 2011.



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

by **Wednesday 2 November 2011** as to the application of Rule 106 (A) in proceedings against Mr. Salim Jamil Ayyash, Mr. Mustafa Amine Badreddine, Mr. Hussein Hassan Oneissi and Mr. Assad Hassan Sabra.

- (iii) Instructs the Registrar to take the necessary steps to notify the accused of the order (in Arabic);
- (iv) Schedules a hearing for **Friday 11 November 2011, at 10h00.**

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

20 October 2011,

Leidschendam, The Netherlands

Judge Robert Roth, Presiding

  
Judge Micheline Braidy  
Judge David Re