

**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: 27 October 2011

Original language: English

Type of document: Public

THE PROSECUTOR

v.

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

ORDER FOR CLARIFICATION FROM THE DEFENCE OFFICE

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

Head of the Defence Office:
Mr. François Roux





1. On 25 October 2011 the Head of the Defence Office of the Tribunal made an order assigning duty counsel to the four accused, Salim Jamil Ayyash, Mustafa Amine Badreddine, Hussein Hassan Oneissi and Assad Hassan Sabra, by referring to Rules 57 (D) (ii) and (iii) of the Rules of Procedure and Evidence.¹

2. These Rules provide (relevantly),

Rule 57 (D):

The Head of Defence Office shall perform the following functions: [...]

(ii) identify on the list mentioned in Rule 59(B) counsel who are available to act as "duty counsel" for assignment to a suspect, for assignment to an accused for the purpose of the initial appearance conducted in accordance with Rule 98 or for any other urgent matter;

(iii) in consultation with the suspect or accused and with his agreement, assign such duty counsel [...]

"Duty counsel" is undefined in the Rules.

3. The Decision refers to Rule 57 (D) (ii) and (iii) as the apparent basis for the decision to assign counsel,² without providing information as to the conditions precedent to such an assignment. The Decision is unclear as to which accused the Defence Office has consulted, and who has agreed to the assignment of duty counsel.

¹ Case No. STL-11-01/I/TC, Nomination des conseils de permanence en vertu de l'article 57(D) (ii) et (iii) du règlement de procédure et de preuve, 25 octobre 2011.

² « Considérant que le Chef du Bureau de la Défense exerce, en vertu de l'article 57D) ii et iii du Règlement la fonction d'assigner un conseil à un accusé pour toute question urgente ».



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

FOR THESE REASONS the Trial Chamber:

Seeks clarification from the Defence Office as to the basis of its Decision to assign counsel under Rule 57 (D) (iii) by 16.00 on Friday 28 October 2011.

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

27 October 2011,

Leidschendam, The Netherlands

Judge Robert Roth, Presiding

Judge Micheline Braidy

Judge David Re

