



THE PRESIDENT OF THE TRIBUNAL

Case No.: STL-11-01/PT/AC
Before: Judge Sir David Baragwanath
Registrar: Mr Herman von Hebel
Date: 7 March 2012
Original language: English
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THE PROSECUTOR

v.

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

**SCHEDULING ORDER FOR THE SECOND SUBMISSION BY THE PRE-TRIAL
JUDGE PURSUANT TO RULE 68(G)**

Office of the Prosecutor:
Ms Joyce Tabet

Counsel for Mr Salim Jamil Ayyash:
Mr Eugene O'Sullivan
Mr Emile Aoun

Head of Defence Office:
Mr François Roux

Counsel for Mr Mustafa Amine Badreddine:
Mr Antoine Korkomaz
Mr John Jones

Counsel for Mr Hussein Hassan Oneissi:
Mr Vincent Courcelle-Labrousse
Mr Yasser Hassan

Counsel for Mr Assad Hassan Sabra:
Mr David Young
Mr Guénaél Mettraux





I, David Baragwanath, President of the Special Tribunal for Lebanon (“Tribunal”);

NOTING the “Order on preliminary questions concerning the crime of criminal association addressed to the Appeals Chamber pursuant to Rules 68(G) and 71(A)(ii) of the Rules of Procedure and Evidence” (hereinafter “Order”), filed on 2 March 2012 by the Pre-Trial Judge;

NOTING Rule 68(G) of the Rules of Procedure and Evidence (hereinafter “Rules”), which provides that the ‘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, which provides *inter alia* that ‘[t]he Appeals Chamber shall issue an interlocutory decision on any question raised by the Pre-Trial Judge under Rule 68(G), without prejudging the rights of any accused’;

RECALLING that on 16 February 2011, the Appeals Chamber issued an Interlocutory Decision on the Applicable Law, following which the Pre-Trial Judge confirmed, on 28 June 2011, an indictment against Salim Jamil Ayyash, Mustafa Amine Badreddine, Hussein Hassan Oneissi and Assad Hassan Sabra, in relation to the 14 February 2005 attack;

NOTING that the Pre-Trial Judge is now seized of a Request by the Prosecutor to amend the indictment confirmed on 28 June;

NOTING that Rule 176 *bis* (B) provides that ‘[b]efore rendering its decision, the Appeals Chamber shall hear the Prosecutor and the Head of Defence Office in public session’;

NOTING that on 1 February 2012, the Trial Chamber issued a Decision to Hold Trial *In Absentia* against the four accused, followed by the designation by the Head of Defence Office, on 2 February 2012, of counsel to the four accused, pursuant to Rule 105 *bis* of the Rules.



CONSIDERING that in all matters pertaining to the case against the four accused, counsel designated by the Head of Defence Office act to protect the lawful rights of the accused;

NOTING that the questions raised by the Pre-Trial Judge in his Order touch upon the notion of criminal association as defined in Article 355 of the Lebanese Criminal Code;

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

NOTING that on Tuesday 6 March 2012, during an *ex parte* hearing convened to establish whether the amended indictment affected all or any of the present accused, representatives of the Prosecution informed the Appeals Chamber that the charge of criminal association affects each of them;

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 it may be imperative, in the interests of justice, that they be treated by the Appeals Chamber as expeditiously as possible, pursuant to Article 21 of the Statute of the Tribunal, so that the Pre-Trial Judge may be in a position to consider the amendments requested by the Prosecutor without delay;

CONSIDERING that the efficient administration of justice in this matter requires that the President, after consultation with the other Judges of the Chamber, address routine matters affecting the judicial functioning and the work of Chambers;

PURSUANT to Article 10 of the Statute and Rule 32(B) of the Rules,

ORDER the Prosecutor and counsel for the accused (hereinafter "Parties") to file by 15 March 2012 written submissions (i) on whether the Appeals Chamber should hear and determine the Pre-Trial Judge's request; and (ii) on the questions raised by him;



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ORDER that these written submissions should not exceed 20 pages (excluding annexes containing reference material not easily retrievable), and should include argument as to whether there is need for an oral hearing in this matter;

ORDER the Parties to file by 27 March 2012 submissions, not exceeding 10 pages, in response to the other Parties;

INVITE the Defence Office, if it so wishes, to file written submissions on the general impact of the questions raised by Pre-Trial Judge on the rights of possible suspects or accused;

INFORM the Parties and the Defence Office that based on their submissions, a public hearing may take place on 29 March 2012, if required;

DESIGNATE Judge Riachy as Judge Rapporteur in this matter pursuant to Rule 36 of the Rules.

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

Dated this 7th day of March 2012,

Leidschendam, the Netherlands

Judge Sir David Baragwanath
President

