



### THE TRIAL CHAMBER

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

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

**The Registrar:** Mr Herman von Hebel

**Date:** 22 May 2012

**Original Language:** French

**Type of document:** Public

### THE PROSECUTOR

v.

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

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### DECISION ON REQUEST FOR EXTENSION OF THE LIMIT OF THE NUMBER OF PAGES OR WORDS CONCERNING THE RECONSIDERATION PROCEDURE FILED BY THE ONEISSI DEFENCE

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**Office of the Prosecutor:**  
Mr Norman Farrell

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

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

**Counsel for Mr Mustafa Badreddine:**  
Mr Antoine Korkmaz  
Mr John Jones

**Legal Representatives of the Victims:**  
Mr Peter Haynes  
Mr Mohammad Mattar  
Ms Nada Abd El Sater Abu Samra

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

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





## I. Introduction

1. On 1 February 2012, the Trial Chamber decided to initiate proceedings *in absentia* against Messrs. Salim Jamil Ayyash, Mustafa Amine Badreddine, Hussein Hassan Oneissi and Assad Hassan Sabra, pursuant to Rule 106 of the Rules of Procedure and Evidence (the “Rules”).<sup>1</sup> On 2 February 2012, the Head of Defence Office assigned counsel to the four accused, pursuant to Rule 105 *bis* (B) of the Rules.<sup>2</sup> On 15 May 2012, the Presiding Judge of the Trial Chamber granted the Oneissi Defence leave to file a request for reconsideration of the Decision of 1 February 2012.<sup>3</sup>

2. On 16 May 2012, the Trial Chamber rejected the request for the extension of the page limit concerning the reconsideration procedure brought by the Badreddine Defence.<sup>4</sup> In the disposition of that Decision, the Chamber stated that the Oneissi Defence, like the Badreddine Defence, should comply, in the context of its request for reconsideration, with the Practice Direction on Filing Documents before the Special Tribunal for Lebanon,<sup>5</sup> with respect to the limit of the number of pages or words.

3. On 18 May 2012, the Oneissi Defence filed before the Trial Chamber a request for extension of the limit of the number of pages or words authorised for the filing of its request for reconsideration.<sup>6</sup> The Defence essentially puts forward that the matter of initiating proceedings held *in absentia* is controversial<sup>7</sup> as, reduced to a certain point, the Applicant’s ideas would not be fully comprehended by the person to whom they are addressed.<sup>8</sup> The Defence refers to the spirit of the Practice Direction

<sup>1</sup> STL, *The Prosecutor v. Ayyash et al*, Case No. STL-11-01/I/TC, Decision to Hold Trial *In Absentia*, 1 February 2012.

<sup>2</sup> Case No. STL-11-01/I/PTJ, Assignment of Counsel for the Proceedings Held *In Absentia* Pursuant to Rule 106 of the Rules, 2 February 2012.

<sup>3</sup> Case No. STL-11-01/PT/TC, Decision of the Presiding Judge of the Trial Chamber authorising the Badreddine Defence and the Oneissi Defence to file a Request for Reconsideration, 15 May 2012

<sup>4</sup> Case No. STL-11-01/PT/TC, Decision on Request for Extension of the Page Limit Concerning the Reconsideration Procedure filed by the Badreddine Defence, dated 16 May 2012, filed on 17 May 2012.

<sup>5</sup> Practice Direction on Filing of Documents Before the Special Tribunal for Lebanon, 23 April 2012, STL/PD/2010/Rev.1, Article 5 (1) (a).

<sup>6</sup> Case No. STL-11-01/PT/TC, *Requête de la Défense de M Oneissi en extension du nombre de pages ou de mots pour sa demande en réexamen de la Décision d’ouverture d’une procédure par défaut du 1<sup>er</sup> février 2012*, 18 May 2012 (the “Request”). The Office of the Prosecutor indicated that it would not respond to the request of the Defence. Communication from the Office of the Prosecutor to a legal officer of the Trial Chamber, 21 May 2012.

<sup>7</sup> Request, para. 8.

<sup>8</sup> Request, para. 11.



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in the context of its interpretation.<sup>9</sup> The Defence summarises the principle arguments that it intends to invoke in its request for reconsideration<sup>10</sup> and concludes that it should be granted an extension up to 12 110 words,<sup>11</sup> and 10 000 words if not, as in the context of its motion relating to the legitimacy of the Tribunal.<sup>12</sup>

## II. Discussion

4. In its Decision of 16 May 2012, the Trial Chamber ruled on an identical request filed by the Badreddine Defence.<sup>13</sup> The Oneissi Defence does not, in its Request, put forward any new arguments that might cause the Chamber to reach a different conclusion to that in its Decision of 16 May cited previously. The request for extension of the limit of the number of pages or words filed by the Oneissi Defence is therefore rejected.

### FOR THESE REASONS

#### THE TRIAL CHAMBER

**REJECTS** the request for extension of the limit of the number of pages or words submitted by the Oneissi Defence.

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

Leidschendam, 22 May 2012

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Judge Robert Roth, Presiding

[signature]

\_\_\_\_\_  
Judge Micheline Braidy

[signature]

\_\_\_\_\_  
Judge David Re



<sup>9</sup> Request, para. 12.

<sup>10</sup> Request, para. 14.

<sup>11</sup> Request, para. 15.

<sup>12</sup> Request, para. 16.

<sup>13</sup> Decision of 16 May 2012, para. 9.