

**BEFORE THE TRIAL CHAMBER**

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

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: 25 May 2012

Original language: English

Type of document: Public

THE PROSECUTOR

v.

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

**DECISION ON THE LEGAL REPRESENTATIVES OF PARTICIPATING
VICTIMS' MOTION REGARDING DEFENCE CHALLENGES TO
JURISDICTION**

Office of the Prosecutor:
Mr. Norman Farrell

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

Defence Office:
Mr. François Roux

Counsel for Mustafa Amine Badreddine:
Mr. Antoine Korkmaz
Mr. John Jones

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

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

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





1. On 8 May 2012, the Pre-Trial Judge granted participating status to fifty-eight victims in the case,¹ and on 16 May 2012 the Registrar designated Legal Representatives to represent their interests.² That day the Trial Chamber (a) invited the lead legal representative of victims to file, by 6 June 2012, observations to motions filed by the Defence of Mr. Salim Ayyash, Mr. Mustafa Badreddine, Mr. Assad Hassan Oneissi and Mr. Assad Sabra challenging the jurisdiction of the Tribunal and (b) scheduled a hearing for Wednesday 13 June 2012.³
2. The lead Legal Representative now requests the Trial Chamber to extend the time for filing his observations to 5 July 2012, and to reschedule the hearing to 12 July 2012.⁴ He argues that various “practical and logistical considerations” including not having full access to case material and not having instructions from his clients presents him with difficulties. The Defence of Mr. Badreddine and Mr. Oneissi oppose the motion, arguing that it lacks merit and that granting it would violate the equality of arms, and cause undue delay.⁵ The Prosecution does not oppose the motion.⁶

¹ STL, *Prosecutor v. Ayyash, Badreddine, Oneissi and Sabra*, Case No. STL-11-01/PT/PTJ, Decision on Victims’ Participation in the Proceedings, 8 May 2012, para. 104.

² Case No. STL-11-01/PT/PTJ, Designation of Victims’ Legal Representatives, 16 May 2012.

³ Case No. STL-11-01/PT/TC, Procedural Decision on Defence Motions Challenging Jurisdiction, 18 May 2012.

⁴ Case No. STL-11-01/PT/TC, Motion on Behalf of the Legal Representative for Victims Seeking an Extension of Time to File Observations to the Defence Challenges to the Jurisdiction of the Tribunal, 22 May 2012. The Defence team of Mr. Samil Jamil Ayyash filed their motion on 4 May 2012, Mr. Mustafa Amin Badreddine on 10 May 2012, Mr. Hussein Hassan Oneissi on 10 May 2012 and Mr. Assad Hassan Sabra on 9 May 2012. Motion on Behalf of Salim Ayyash Challenging the Legality of the Special Tribunal for Lebanon, 4 May 2012; The Defence for Mr. Hussein Hassan Oneissi’s Motion Challenging the Legality of the Tribunal, 10 May 2012; Exception préjudicielle d’incompétence du Tribunal spécial pour le Liban par la Défense de M. Badreddine, 10 mai 2012; Sabra’s Preliminary Motion Challenging the Jurisdiction of the Special Tribunal for Lebanon, 9 May 2012.

⁵ Case No. STL-11/01/PT/TC, Defence for Badreddine and Oneissi Joint Response to Motion on Behalf of the Legal Representatives for Victims Seeking Extension of Time to File Observations to the Defence Challenges to the Jurisdiction of the Tribunal, 24 May 2012. The Trial Chamber shortened the deadline for responses to 24 May 2012; email communication from a Legal Officer of the Chamber to the Parties, 23 May 2012.

⁶ Case No. STL-11/01/PT/TC, Prosecution Response to the Motion by the Legal Representative for Victims Seeking an Extension of Time to File Observations to the Defence Challenges to the Jurisdiction of the Tribunal, 24 May 2012.



3. The motions challenging jurisdiction are based on readily available public material and principally concern questions of public international law. The Trial Chamber does not believe that the lead Legal Representative needs the "case material" to draft his observations on these motions. The Trial Chamber considers that the lead Legal Representative will have enough time to consult his clients and to draft his observations before 6 June, and to appear in a hearing on 13 June 2012. Moreover, observations need not be lengthy.
4. Sufficient reasons therefore have not been given for the Trial Chamber to vary the time limit or to reschedule the hearing. The Trial Chamber rejects the request.

FOR THESE REASONS the Trial Chamber:

REJECTS the motion of the lead Legal Representative of Victims to extend the time limit to file observations to challenges to jurisdiction and to reschedule the hearing.

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

25 May 2012,
Leidschendam,
The Netherlands

Judge Robert Roth, Presiding

Judge Micheline Braidy

Judge David Re

