



THE APPEALS CHAMBER

Case No.: STL-11-01/PT/AC/R176bis

Before: Judge David Baragwanath, Presiding
Judge Ralph Riachy
Judge Afif Chamseddine, Judge Rapporteur
Judge Daniel David Ntanda Nsereko
Judge Kjell Erik Björnberg

Registrar: Mr Herman von Hebel

Date: 4 July 2012

Original language: English

Classification: Public

THE PROSECUTOR

v.

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

ORDER BY THE JUDGE RAPPORTEUR ON FILING OF REPLY

Prosecutor:
Mr Norman Farrell

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 Korkmaz
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





1. Defence Counsel for Salim Jamil Ayyash, Mustafa Amine Badreddine, Hussein Hassan Oneissi, and Assad Hassan Sabra have seized the Appeals Chamber with requests under Rule 176 *bis*(C) of the Rules of Procedure and Evidence of the Tribunal.¹ They ask for reconsideration of the Appeals Chamber's 16 February 2011 Interlocutory Decision on the Applicable Law: Terrorism, Conspiracy, Homicide, Perpetration, Cumulative Charging. In his response, the Prosecutor raises the preliminary argument that the Defence has no standing under Rule 176 *bis*(C) to bring such a request.²

2. Having been appointed Judge Rapporteur in this matter pursuant to Rule 36, I find it necessary to provide the Defence with an opportunity to reply to this particular argument raised by the Prosecutor.

FOR THIS REASON,

PURSUANT to Rules 8, 9(A)(i), 36, 77(A), 130(B), and 176(B);

I GRANT LEAVE to the Defence for each Accused to submit a reply by 9 July 2012. This reply is strictly limited to the issue of whether the Defence has standing in the proceedings under Rule 176 *bis*(C) and must not exceed four pages. Defence teams are encouraged to file a joint reply, not exceeding eight pages.

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

Filed this 4th day of July 2012,
Leidschendam, the Netherlands

Afif Chamseddine
Judge Rapporteur

¹ STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/AC: Sabra Motion for Reconsideration of Rule 176bis Decision – “International Terrorism”, 13 June 2012; Request by the Oneissi Defence for Reconsideration of the Interlocutory Decision on the Applicable Law of 16 February 2011, 13 June 2012; Request for Reconsideration of the Interlocutory Decision on the Applicable Law Rendered by the Appeals Chamber on 16 February 2011, 13 June 2012; Defence for Salim Jamil Ayyash's Joinder in the Defence for Mustafa Amine Badreddine's "Requête En Réexamen De La Décision Préjudicielle Sur Le Droit Applicable" Par La Chambre D'appel le 16 Février 2011," 13 June 2012.

² STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01-/PT/AC/R176bis, Prosecution Consolidated Response to the Requests for Reconsideration of the Decision on the Applicable Law, 3 July 2012, paras 2, 6-13.

