



THE PRE-TRIAL JUDGE

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

The Pre-Trial Judge: **Judge Daniel Fransen**

The Registrar: **Mr. Herman von Hebel**

Date: **24 July 2012**

Original language: **English**

Classification: **Public**

THE PROSECUTOR

v.

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

DECISION ON TIME LIMIT FOR REQUEST TO REVIEW DESIGNATION OF VICTIMS' LEGAL REPRESENTATIVE

Office of the Prosecutor:
Mr. Norman Farrell

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

Victims' Legal Representative:
Mr. Peter Haynes

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

Duty Legal Representative for V027
Mr. Christopher Gosnell

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

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





1. On 19 July 2012, the Registrar designated a Duty Legal Representative for Victim 027¹ for the purpose of seeking review of the Registrar's designation of the Lead Legal Representative of 16 May 2012.²

2. The Victims' Participation Unit has indicated that Victim V027 ("V027") was notified of the Designation of the Lead Legal Representative on 5 July 2012.³

3. On 20 July 2012, the Duty Legal Representative for V027 filed a request⁴ before the Pre-Trial Judge for a declaration that the time limit set out in Article 22(A) of the Directive on Victims' Legal Representation (the "Directive"): (i) runs from the date of appointment of duty legal representative, and (ii) is to be calculated in accordance with Rule 7 of the Rules of Procedure and Evidence.⁵ This is because the Directive is silent on how time limits are to be calculated.

4. The Duty Legal Representative submits that such a declaration

would accord with the likely intention and purpose of the Directive, align the time-limitations in the Directive and the Rules, and give the duty legal representative sufficient time to contact, and consult meaningfully with, V027.⁶

5. Article 22(A) of the Directive provides that:

A victim participating in proceedings who disagrees with the Registrar's designation of a lead legal representative to represent him pursuant to Article 16 may, within 15 days of the date he is notified of the designation of the legal representative, file a motion before the Pre-Trial Judge for review of the designation.

6. The Pre-Trial Judge observes that the Directive is silent on how time limits are to be calculated. Rule 9 of the Rules provides that the Pre-Trial Judge may *proprio motu* enlarge or reduce any time prescribed by the Rules; or recognise as validly done any act carried out after the expiration of a time so prescribed on such terms, if any, as is thought just, whether or not that time has already expired. The Pre-Trial Judge may therefore exercise his mandate under Rule 9 to clarify how time limits are to be calculated with respect to the Directive.

¹ STL, *Prosecutor v. Ayyash et al*, Case no. STL-11-01/PT/PTJ, Designation of Duty Legal Representative for Victim 027, 19 July 2012 (the "Designation")

² STL, *Prosecutor v. Ayyash et al*, Case no. STL-11-01/PT/PTJ, Designation of Victims' Legal Representatives, 16 May 2012 (the "Designation of the Lead Legal Representative").

³ Designation, para. 4

⁴ STL, *Prosecutor v. Ayyash et al*, Case no. STL-11-01/PT/PTJ, Request for Declaration of Time-Limit for Request to Review Designation of Victims' Legal Representative, 20 July 2012 (the "Request").

⁵ Request, para. 4

⁶ *Id*



7. Rule 7(C) of the Rules stipulates that:

In the calculation of time limits under these Rules, only working days shall be included and not official Tribunal holidays and weekend days.

There is no reason not to apply Rule 7(C) to the Directive. On the contrary — and as the Duty Legal Representative has pointed out — there are cogent reasons to do so. Indeed, it is appropriate, for reasons of legal certainty and consistency of proceedings, to calculate the time applicable in court proceedings in a uniform manner, unless otherwise specifically provided for.

8. The Pre-Trial Judge therefore, pursuant to Rules 7 and 9, declares that the time limit prescribed by Article 22(A) of the Directive shall be calculated in a manner consistent with to Rule 7(C) of the Rules.

9. Regarding the date from which the time limit must run, Rule 7(A) of the Rules clearly refers to “the occurrence of an event” after which time shall begin to run. In this case, the event in question was the notification to V027 of the Designation of the Lead Legal Representative on 5 July 2012, and not the Designation of his Duty Legal Representative. With respect to V027, therefore, the time limit prescribed by Article 22(A) of the Directive runs from 5 July 2012.

10. Should the Duty Legal Representative consider that he has good reason to seek an extension of time, nothing prevents him from filing such a motion pursuant to Rule 9(A)(i).



FOR THESE REASONS,

THE PRE-TRIAL JUDGE,

PURSUANT TO Rules 7 and 9 of the Rules

DECLARES that the time limit set out in Article 22(A) of the Directive on Victims' Legal Representation runs from the date of appointment of the Duty Legal Representative, and is to be calculated in accordance with Rule 7 of the Rules of Procedure and Evidence; and

DECLARES that the date from which the time limit prescribed by Article 22(A) of the Directive must run, in respect of V027, is 5 July 2012.

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

Leidschendam, 24 July 2012.



Daniel Fransen
Pre-Trial Judge

