

**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: **27 July 2012**

Original language: **English**

Classification: **Public**

THE PROSECUTOR

v.

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

**DECISION ON DUTY LEGAL REPRESENTATIVE'S REQUEST
FOR EXTENSION OF TIME AND JOINDER**

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, V028
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 027 (“V027”) for the purpose of seeking review of the Registrar’s decision on 16 May 2012 on the designation of the Lead Legal Representative.¹ The Victims’ Participation Unit has indicated that V027 was notified of this designation on 5 July 2012.²
2. On 20 July 2012, the Duty Legal Representative for V027 filed a request before the Pre-Trial Judge for a declaration clarifying the commencement date and duration of the time limit set out in Article 22(A) of the Directive on Victims’ Legal Representation³ On 24 July 2012, the Pre-Trial Judge issued a decision clarifying the calculation of the commencement date and duration of the relevant time limit.⁴
3. On 25 July 2012, the Registrar designated the same Duty Legal Representative to represent Victim 028 (“V028”) for the same purpose, and he noted V028’s “indication to the VPU that she would accept being represented with her son, V027”.⁵
4. On 5 July 2012, the Duty Legal Representative filed a request for extension time and joinder.⁶ In the Request, the Duty Legal Representative seeks an extension of time to file submissions on behalf of V027 for a review of the Registrar’s designation of the victims’ Lead Legal Representative from 26 July to 9 August 2012.⁷ The Duty Legal Representative submits that he has not had sufficient opportunity to consult V027. Since his designation on 19 July 2012 left him only five days before the time period for filing the request for review runs out,⁸ he has not been able to complete the consultations and preparations necessary to give effect to Article 22(A) of the Directive on Victims’ Legal Representation.⁹

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 (“Designation”).

² Designation, para 4.

³ 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, para. 4.

⁴ STL, *Prosecutor v. Ayyash et al.*, Case no. STL-11-01/PT/PTJ, Decision on Time Limit for Request to Review Designation of Victims’ Legal Representative, 24 July 2012

⁵ STL, *Prosecutor v. Ayyash et al.*, Case no. STL-11-01/PT/PTJ, Designation of Duty Legal Representative for Victim 028, 25 July 2012, para. 20.

⁶ STL, *Prosecutor v. Ayyash et al.*, Case no. STL-11-01/PT/PTJ, Request for Extension of Time and Joinder, 25 July 2012 (the “Request”).

⁷ *Id.* paras 1, 4, 8.

⁸ *Id.* para. 3.

⁹ *Ibid.*, para. 4.



5. The Duty Legal Representative also requests that V027 and V028 be authorised to file their requests for review jointly.¹⁰ He submits that the interests of justice favour a joint request for review, that any variation in the position of two victims can be incorporated in a single filing, and that a consolidated filing will ensure that all issues are before the Pre-Trial Judge in a single document.¹¹ The Duty Legal Representative — subject to an adequate opportunity to consult and take instructions from V028 — does not anticipate that additional time would be required as a result of joining the two requests.¹²

6. Rule 9 of the Rules of Procedure and Evidence (the “Rules”) empowers the Pre-Trial Judge, on good cause being shown by motion, to amend any time prescribed by the Rules. In this case, the Pre-Trial Judge considers that such good cause has been shown, in that the Duty Legal Representative has had insufficient time to prepare his client’s case since his designation, and that this late designation was not occasioned by V027. An extension of time to file the request for review is therefore justified.

7. With respect to the request to authorise V027 and V028 to make joint submissions, the Pre-Trial Judge considers that it would have been more consistent with required procedure to have received separate submissions on behalf of each applicant making such a request. Nevertheless, the Pre-Trial Judge notes that the Duty Legal Representative is acting on behalf of both V027 and V028 in making the request, that V028 is V027’s mother and that she has indicated that she would accept being represented jointly with him, and that a joint filing would contribute to the efficient administration of justice and expedite proceedings. Furthermore, and in the absence of an express provision in the Rules applicable to the matter, the Pre-Trial Judge recalls that Rule 89(B) of the Rules empowers him to take any measures necessary to prepare the case for a fair and expeditious trial. In light of the foregoing, the Pre-Trial Judge grants the request.

¹⁰ *Id*, para. 6.

¹¹ *Ibid*

¹² *Id* para. 7.



FOR THESE REASONS,

THE PRE-TRIAL JUDGE,

PURSUANT TO Rules 9 and 89(B) of the Rules,

GRANTS the Duty Legal Representative's request for an extension of time to file a request for review of the Registrar's decision on 16 May 2012 on the designation of the Lead Legal Representative on behalf of V027, and **ORDERS** that such request be filed by 9 August 2012; and

GRANTS the Duty Legal Representative's request and **AUTHORISES** V027 and V028 to make a joint submission seeking review of the designation of the Lead Legal Representative;

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

Leidschendam, 27 July 2012



Daniel Fransen
Pre-Trial Judge

