

**THE APPEALS CHAMBER**

Case No.: STL-11-01/PT/AC/AR90.1

Before: Judge David Baragwanath, Presiding
Judge Ralph Riachi
Judge Afif Chamseddine
Judge Daniel David Ntanda Nsereko
Judge Kjell Björnberg

Registrar: Mr Herman von Hebel

Date: 27 August 2012

Original language: English

Classification: Public

THE PROSECUTOR

v.

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

SCHEDULING ORDER ON INTERLOCUTORY APPEALS

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





SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

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1. On 27 July 2012, the Trial Chamber of the Special Tribunal for Lebanon (“Tribunal”) issued its “Decision on the Defence Challenges to the Jurisdiction and Legality of the Tribunal” (“Decision”).¹ Counsel for the Defence of Messrs Ayyash, Badreddine and Oneissi each have appealed against this Decision on 24 August 2012.²

2. To facilitate and expedite the proceedings we order the Prosecutor to file a consolidated response to the three Defence appeals by 14 September 2012.³ This response must not exceed 20,000 words.⁴ Defence counsel may file a reply, strictly limited to any new issues raised in the Prosecutor’s response, by 19 September 2012. Such a reply may not exceed 2,000 words, or, if the three Defence teams decide to file a joint reply, 4,000 words.

3. Given the participation of the victims’ Lead Legal Representative in the proceedings before the Trial Chamber in this matter,⁵ and pursuant to Article 17 of the Statute and Rule 87 of the Rules of Procedure and Evidence (“Rules”), we consider that we may be assisted by his observations on behalf of the participating victims in this appeal. We therefore invite him to file any such observations by 19 September 2012 in a brief not exceeding 2,000 words.

4. We also inform the parties that an oral hearing in the present appeal will commence on 1 October 2012. We will address other modalities of the hearing, including the duration of the hearing, the allocation of time among the parties and any questions the parties may be invited to address during the hearing, in due course by further order.

¹ STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01-PT/TC, Decision on the Defence Challenges to the Jurisdiction and Legality of the Tribunal, 27 July 2012. This Decision was distributed on 30 July 2012.

² STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/AC/AR90.1. Interlocutory Appeal on Behalf of Mr. Ayyash Against the Trial Chamber’s “Decision on the Defence Challenges to the Jurisdiction and Legality of the Tribunal” Dated 30 July 2012, 24 August 2012; Mémoire d’appel de la Défense de M. Badreddine à l’encontre de la “Décision relative aux contestations par la Défense de la compétence et de la légalité du Tribunal”, 24 August 2012; Mémoire en appel de la Défense de Monsieur Oneissi sur la décision de la chambre de première instance relative aux contestations par la défense de la compétence et de la légalité du tribunal, 24 August 2012; see STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/AC, Decision on Defence Requests for Extension of Word and Time Limits, 6 August 2012 (extending the time limit for filing an appeal to 24 August 2012 and permitting the Defence to exceed the usual word limit for their briefs by 4,000 words to 10,000 words)

³ The appeals from counsel for Messrs Badreddine and Oneissi were received after business hours on 24 August 2012 and were distributed on 27 August 2012. The Prosecutor has 14 days to respond to these appeals.

⁴ This takes into account the extension of words granted to the Defence.

⁵ STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01-PT/TC, Procedural Decision on Defence Motions Challenging Jurisdiction, 18 May 2012, para 8.



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DISPOSITION**FOR THESE REASONS****THE APPEALS CHAMBER**, deciding unanimously,**PURSUANT** to Rules 8, 9, 87(D), and 176(B) of the Rules;**ORDERS** the Prosecutor to file a consolidated response to the three Defence Appeals not exceeding 20,000 words by 14 September 2012, 4 pm;**GRANTS LEAVE** to the Defence of each Appellant to file a reply, strictly limited to any new issues raised by the Prosecutor in his response, by 19 September 2012, 4 pm, not exceeding 2,000 words or, if a joint reply is filed, not exceeding 4,000 words;**INVITES** the Lead Legal Representative for victims to file observations, if any, on the appeals and the Prosecutor's response by 19 September 2012, 4 pm, in a brief not exceeding 2,000 words;**INFORMS** the parties that a public hearing will commence in the Antonio Cassese Courtroom on 1 October 2012 at 9.15 am;

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

Dated this 27th day of August 2012,

Leidschendam, the Netherlands

Judge David Baragwanath

Presiding

