

CONFIDENTIAL



STL-11-01/PT/PRES
F0417/20120914/R128050-R128052/EN/nc

SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE PRESIDENT

Case No.: STL-11-01/PT/PRES
Before: Judge David Baragwanath, President
Registrar: Mr Herman von Hebel
Date: 14 September 2012
Original language: English
Classification: Confidential

THE PROSECUTOR

v.

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

FURTHER SCHEDULING ORDER

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



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1. In my Second Interim Decision, I suggested that the Head of Defence Office and the Registrar enter into further discussions on how to best resolve their dispute with regard to the employment of Dr Omar Nashabe as an investigator assisting the Defence teams.¹ I also invited them, as well as Defence Counsel and the Prosecutor, to make further written submissions by today on the merits of the dispute; the confidentiality of the decision; whether Dr Nashabe should be given access to it; and whether he should be permitted to file submissions in relation to the allegations made against him.²
2. In a joint filing, the Head of Defence Office and the Registrar have informed me that their discussions are continuing, and they request an extension of time until 21 September 2012, 4 pm, to make submissions on the merits of the dispute and on the participation of Dr Nashabe.³ In order to facilitate these talks, I vary the schedule included in the Second Interim Decision and order that such submissions should be filed by that date and time.
3. In the light of the submissions requesting that the Second Interim Decision should remain confidential during the discussions between the Head of Defence and the Registrar,⁴ I order that the decision should provisionally retain confidential status until further notice. However, as indicated in my Second Interim Decision, I require the showing of good cause why and, if so, to what extent this decision should remain confidential.⁵ I accordingly reserve final judgment on this matter.

¹ STL, *Prosecutor v. Ayyash et al*, Case No. STL-11-01-PT/PRES, Second Interim Decision, 10 September 2012 ("Second Interim Decision"), para. 47.

² Id. at 48, 50, 51, Disposition.

³ STL, *Prosecutor v. Ayyash et al*, Case No. STL-11-01-PT/PRES, Demande de prorogation de délai et observations relatives au maintien de la confidentialité de la deuxième décision avant dire droit du Président, 14 September 2012 ("Joint Submissions"), paras 2-4.

⁴ Joint Submissions, paras 5-6.

⁵ Second Interim Decision, para 50.

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DISPOSITION

FOR THESE REASONS, I

VARY my Second Interim Decision;

INVITE the Head of Defence Office and the Registrar, and if they so wish, Defence Counsel and the Prosecutor, to file by 21 September 2012, 4 pm any further submissions as specified in the Second Interim Decision⁶ and

ORDER that the confidential status of the Second Interim Decision be retained until further order.

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

Filed this 14th day of September 2012

Leidschendam, the Netherlands

Judge David Baragwanath
President

⁶ Second Interim Decision, paras 48, 50, 51, Disposition.

