



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE APPEALS CHAMBER

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

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

Registrar: Mr Herman von Hebel

Date: 20 September 2012

Original language: English

Classification: Public

THE PROSECUTOR

v.

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

DECISION ON THE BADREDDINE DEFENCE REQUEST FOR A RIGHT OF AUDIENCE TO BE GRANTED TO PROFESSOR MAISON

Prosecutor:
Mr Norman Farrell

Counsel for Mr Salim Jamil Ayyash:
Mr Eugene O'Sullivan
Mr Emile Aoun

Victims' Legal Representatives:
Mr Peter Haynes
Mr Mohammad F. Mattar
Ms Nada Abdelsater-Abusamra

Counsel for Mr Mustafa Amine Badreddine:
Mr Antoine Korkmaz
Mr John Jones

Head of Defence Office:
Mr François Roux

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. The Appeals Chamber recalls its Scheduling Order on Interlocutory Appeals, which set the date for an oral hearing on the Defence appeals against the Trial Chamber's "Decision on the Defence Challenges to the Jurisdiction and Legality of the Tribunal".¹
2. The Appeals Chamber is now seized of a request by counsel for Mr Badreddine to allow Professor Rafaëlle Maison a right of audience before the Appeals Chamber during the appeals hearing.² Counsel argue that given Professor Maison's involvement in the preparation of their brief she should be permitted to appear before the Appeals Chamber under their supervision.³ The Prosecutor responds that the Appeals Chamber should refuse the request.⁴
3. We hold that, in this case, no good cause to allow Professor Maison to address the Chamber during the hearing has been demonstrated. Mr Badreddine is already represented by counsel appointed by the Defence Office. Professor Maison's contribution to the Badreddine Defence brief, however significant, is not a reason why she herself should be permitted to argue before the Appeals Chamber. The Defence has not substantiated their claim that granting a right of audience to Professor Maison is "indispensable to respect for the rights of the accused, to the good conduct of the defence case and to the fairness of the hearing."⁵
4. However, we see no obstacle to Professor Maison being present during the hearing and supporting the work of counsel without addressing the court.

¹ STL, *Prosecutor v Ayyash et al*, Case No. STL-11-01/PT/AC/AR90.1, Scheduling Order on Interlocutory Appeals, 27 August 2012, para. 4.

² STL, *Prosecutor v Ayyash et al*, Case No. STL-11-01/PT/AC/AR90 1, Motion Requesting Right of Audience for Professor Rafaëlle Maison at the Scheduled Appeal Hearing on 1 October 2012, 17 September 2012 ("Badreddine Motion").

³ *Id* at paras 2-4.

⁴ STL, *Prosecutor v Ayyash et al*, Case No. STL-11-01/PT/AC/AR90.1, Prosecution Response to Badreddine Defence Motion Requesting Right of Audience for Professor Rafaëlle Maison, 19 September 2012, para. 2.

⁵ See Badreddine Motion, para. 4.



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DISPOSITION

FOR THESE REASONS

THE APPEALS CHAMBER, deciding unanimously,

REJECTS the Motion.

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

Dated this 20th day of September 2012.

Leidschendam, the Netherlands

A handwritten signature in black ink, appearing to read "David Baragwanath".

Judge David Baragwanath

Presiding

