



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

### 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: **16 October 2012**

Original language: **English**

Classification: **Public**

### THE PROSECUTOR

v.

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

### ORDER DENYING THE DEFENCE REQUEST FOR LEAVE TO REPLY TO THE PROSECUTION'S SUPPLEMENTAL RESPONSE TO THE JOINT DEFENCE MOTION FOR URGENT ORDERS REGARDING TRIAL PREPARATION

**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

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

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



1. The Pre-Trial Judge is in receipt of a joint request from the four Defence teams to file a reply.<sup>1</sup> The reply sought is to the Prosecution's Supplemental Response<sup>2</sup> to the Joint Defence Motion for Urgent Orders Regarding Trial Preparation.<sup>3</sup>

2. The Pre-Trial Judge is validly seised of the Defence Motion and the Prosecution's two responses thereto<sup>4</sup>, with the second response having been allowed on an exceptional basis.<sup>5</sup>

3. The Pre-Trial Judge recalls that the Defence Motion was characterised by the need for "urgent" orders, setting a timeline for pre-trial preparations,<sup>6</sup> and the Defence indicated that it had to be "treated as a matter of priority."<sup>7</sup> The Defence submitted the following in support of this assertion:

If either the Prosecution or Registry, as the case may be, takes the position that they are unable to comply with the deadlines suggested above, the Defence submits that the accused's right to have adequate time and facilities for the preparation of their defence as guaranteed by Article 16(4)(b) of the [Statute] would be violated.<sup>8</sup>

4. In its Request for Leave to Reply, the Defence now seeks leave to file a reply "within the time frame set out in Rule 8 of the Rules"<sup>9</sup>, which provides in relevant part that:

A reply to the response, if any, shall be filed within seven days of obtaining leave of the Pre-Trial Judge or Chamber.

5. The Pre-Trial Judge considers that the further delay that would be occasioned by granting the Request for Leave to Reply is not justified in the circumstances, which the Defence has consistently described as pressing. On the contrary, granting the request would result in precisely the prejudice that the Defence is seeking to avert.

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<sup>1</sup> STL, *The Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PTJ, Joint Defence Request for Leave to Reply to the "Prosecution Supplemental Response to the Joint Defense (*sic*) Motion For Urgent Orders Regarding Trial Preparation (*sic*)", 15 October 2012 (the "Request for Leave to Reply").

<sup>2</sup> STL, *The Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PTJ, Prosecution Supplemental Response to the Joint Defence Motion for Urgent Orders Regarding Trial Preparation, 10 October 2012 (the "Prosecution Supplemental Response").

<sup>3</sup> STL, *The Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PTJ, Joint Defence Motion for Urgent Orders Regarding Trial Preparation, 27 September 2012 (the "Defence Motion").

<sup>4</sup> STL, *The Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PTJ, Prosecution Response to the "Joint Defence Motion for Urgent Orders Regarding Trial Preparation", 3 October 2012 (the "Prosecution Response"); Prosecution Supplemental Response.

<sup>5</sup> STL, *The Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PTJ, Scheduling Directive from the Pre-Trial Judge, 5 October 2012.

<sup>6</sup> Defence Motion, para. 3.

<sup>7</sup> *Id* at para. 5.

<sup>8</sup> *Id* at para. 9.

<sup>9</sup> Request for Leave to Reply, para. 5.

6. The circumstances advanced by the Defence to justify further filings are not compelling. The Pre-Trial Judge has been briefed on the positions of the Parties and will decide on the Defence Motion in due course.

7. Accordingly, the Request for Leave to Reply is denied.

**FOR THESE REASONS,**

**THE PRE-TRIAL JUDGE,**

**PURSUANT TO Rules 8 and 89(B)**

**DENIES** the Defence Request for Leave to Reply.

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

Leidschendam, 16 October 2012.



Daniel Fransen  
Pre-Trial Judge

