



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: 7 March 2013
Original language: English
Classification: Public

THE PROSECUTOR

v.

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

SCHEDULING ORDER

Prosecutor:
 Mr Norman Farrell

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

Legal Representatives of Victims:
 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. On 1 March 2013, the Registrar filed confidentially a “Registry Submission Pursuant to Rule 48(C) Seeking Clarification and Relief Regarding the President’s Decision of 21 December 2012” (“Registrar’s Submission”),¹ related to the Defence retainer of Dr Nashabe, of which I am now seized.
2. On 5 March 2013, I issued a Scheduling Order, directing *inter alia* that the Head of the Defence Office and Defence counsel respond to the Registrar’s Submission by Thursday, 14 March 2013.
3. In response to the Registrar’s Submission, the Head of Defence has filed today a “*Mémoire en exception d’irrecevabilité*” challenging the Registrar’s entitlement to file his submission (“Defence Office Filing”).²
4. The mandate of the Tribunal is to deliver justice fairly and expeditiously. While, if the Head of Defence is right, it will be unnecessary to deal with the Registrar’s submission, to avoid delay I have decided not to deal with the Defence Office Filing as a preliminary issue but to consider it concurrently with, and within the context of, the Registrar’s Submission.
5. Without prejudice to the Defence Office Filing, I therefore issue the Scheduling Order which follows. It supersedes any inconsistent order.
6. For the avoidance of doubt, in the absence of leave to consider other material I will take into account only:
 - (i) the decision of 21 December 2012;
 - (ii) the Registrar’s Submission;
 - (iii) the Defence Office Filing;
 - (iv) any response to this Scheduling Order.

¹ The Defence Office has filed a motion to lift the confidentiality of this filing (see *Demande de modification de la classification du document déposé par le greffe le 1^{er} mars 2013 sous la catégorie « confidentiel »*, Confidential, 4 March 2013 [“Defence Office Motion”] [with public redacted version filed the same day]). I decline this request but order the Registrar to file a public redacted version of his Submission. I also lift the confidentiality of that Defence Office Motion.

² *Mémoire en exception d’irrecevabilité*, 7 March 2013 (with public redacted version filed on the same day).



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FOR THESE REASONS;

I direct the parties by 4 pm on Thursday, 14 March 2013 to act as follows:

- (1) The Head of Defence and Defence counsel shall file any further response to the Registrar's submission;
- (2) The Registrar and Head of Defence shall provide information about the following:
 - (i) Whether security checks are generally performed for Office of the Prosecutor expert consultants and for other Defence experts;
 - (ii) Whether funds for expert consultants in general can be re-aligned from other lines of budget and, if so, what procedure should be followed;
 - (iii) What kind of privileges and immunities are afforded to Office of the Prosecutor's and other Defence experts under the relevant legal instruments;
- (3) The Registrar shall file his response to the Defence Office Filing;
- (4) The Registrar shall file a public redacted version of the Registrar's Submission.
- (5) All participants in the present litigation shall refrain from any conduct that might impede the fair and expeditious resolution of the present dispute.

I also order that the confidentiality of the "*Demande de modification de la classification du document déposé par le greffe le 1^{er} mars 2013 sous la catégorie « confidentiel »*" dated 4 March 2013 be lifted.

If an oral hearing is required it will take place on Monday, 18 March 2013.

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

Dated 7 March 2013,

Leidschendam, the Netherlands

Judge David Baragwanath

President

