



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE TRIAL CHAMBER

Case No: STL-11-01/PT/TC

Before: Judge Robert Roth, Presiding
Judge Micheline Braidy
Judge David Re
Judge Janet Nosworthy, Alternate Judge
Judge Walid Akoum, Alternate Judge

Registrar: Mr Daryl Mundis

Date: 13 August 2013

Original language: English

Classification: Public

PROSECUTOR

v.

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

**SCHEDULING ORDER FOR THE DEFENCE TO FILE PRELIMINARY MOTIONS
CHALLENGING THE FORM OF THE AMENDED INDICTMENT OF 21 JUNE 2013**

Office of the Prosecutor:
Mr Norman Farrell

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

Defence Office:
Mr François Roux

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

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

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 Defence for Messrs Badreddine, Oneissi and Sabra each filed requests for certification to appeal the Trial Chamber's decision of 12 June 2013,¹ in which it dismissed their preliminary motions alleging defects in the form of the indictment.²
2. On 5 July 2013, the Trial Chamber issued its decision granting the requests for certification for Messrs Badreddine, Oneissi and Sabra.³
3. After the Appellate Briefs from the Defence for Messrs Badreddine,⁴ Oneissi⁵ and Sabra,⁶ had been lodged but prior to a decision being rendered by the Appeals Chamber, the Pre-Trial Judge granted leave to the Prosecutor to amend the indictment.⁷ Thereafter, the Prosecutor filed a new amended indictment on 2 August 2013.⁸
4. On 5 August 2013, the Appeals Chamber issued its "Decision on Defence Appeals Against Trial Chamber's 'Decision on Alleged Defects in the Form of the Amended Indictment'",⁹ dismissing the appeals as moot because the previous indictment, on which the appeals were based, had fallen away with the filing of the new amended indictment on 2 August 2013.¹⁰

¹ STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/TC, Requests of the Badreddine Defence for Authorisation of and/or Certification to Appeal the Decision of 12 June 2013 relating to the Preliminary Motions Based on a Defect in the Form of the Indictment, 19 June 2013; Request from the Oneissi Defence for Certification of the Appeal of the Trial Chamber Decision on Alleged Defects in the Form of the Amended Indictment, 19 June 2013; Sabra Defence Request for Leave to Appeal the Decision on Alleged Defects in the Form of the Amended Indictment, 19 June 2013.

² STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01-PT/TC, Decision on Alleged Defects in the Form of the Amended Indictment, 12 June 2013.

³ STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/TC, Decision on the Requests for Certification To Lodge an Appeal Against the Trial Chamber Decision of 12 June 2013, 5 July 2013.

⁴ STL, *Prosecutor v. Ayyash et al.*, STL-11-01/PT/AC/AR90.2, Appellate Brief of the Badreddine Defence against the Trial Chamber Decision of 12 June 2013 relating to the Preliminary Motions based on Defects in the Form of the Indictment, 17 July 2013.

⁵ STL, *Prosecutor v. Ayyash et al.*, STL-11-01/PT/AC/AR90.2, Oneissi Defence Appeal of the Decision on the Alleged Defects in the form of the Amended Indictment, 22 July 2013 (re-filed from 17 July 2013).

⁶ STL, *Prosecutor v. Ayyash et al.*, STL-11-01/PT/AC/AR90.2, Sabra Defence Appeal of the Decision on Alleged Defects in the Form of the Amended Indictment, 15 July 2013 (a corrected version was filed on 16 July 2013).

⁷ STL, *Prosecutor v. Ayyash et al.*, STL-11-01/PT/PTJ, Décision portant sur la requête du 21 juin 2013 du Procureur en modification de l'acte d'accusation du 6 février 2013, confidentiel, 31 juillet 2013, Disposition (corrected and public redacted versions were issued on 2 August 2013).

⁸ STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PTJ, Prosecution's Filing of the Signed Version of the Amended Indictment in Compliance with the Pre-Trial Judge's Decision of 31 July 2013 & Request for Amended Arrest Warrants and Orders/Requests for Transfer and Detention, 2 August 2013.

⁹ STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/AC/AR90.2, Decision on Defence Appeals Against Trial Chamber's "Decision on Alleged Defects in the Form of the Amended Indictment," 5 August 2013 (Appeals Chamber Decision).

¹⁰ Appeals Chamber Decision, paragraph 2.


5. The Appeals Chamber further declared that the Defence, if they wish, may file preliminary motions before the Trial Chamber directed at the amended indictment of 21 June 2013 (filed 2 August 2013).¹¹
6. If the Defence for Messrs Ayyash, Badreddine, Oneissi and Sabra wish to follow the Appeals Chamber Decision, submissions should be filed no later than 19 August 2013.

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

Dated this 13 August 2013,
Leidschendam,
the Netherlands



Judge Robert Roth, Presiding



Judge Micheline Braidy



Judge David Re



¹¹ Appeals Chamber Decision, paragraph 2 and page 10.