



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 Daryl Mundis

Date: 10 September 2013

Original language: English

Classification: Public

THE PROSECUTOR

v.

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

ORDER ON COMPOSITION OF THE TRIAL CHAMBER

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





I, David Baragwanath, PRESIDENT of the Special Tribunal for Lebanon (“Tribunal”);

CONSIDERING the resignation of Judge Robert Roth, the Presiding Judge of the Tribunal’s Trial Chamber, on 9 September 2013;

NOTING that Article 8(3) of the Statute of the Tribunal stipulates that “[a]t the request of the presiding judge of the Trial Chamber, the President of the Special Tribunal may, in the interest of justice, assign the alternate judges to be present at each stage of the trial and to replace a judge if that judge is unable to continue sitting;”¹

MINDFUL that the four remaining Judges of the Trial Chamber – Judge Janet Nosworthy (Alternate Judge), Judge Walid Akoum (Alternate Judge), Judge Micheline Braidy and Judge David Re – jointly wrote to me on 9 September 2013 requesting that I “take all necessary steps according to Article 8(3) of the Statute of the Tribunal to ensure that the international Alternate Judge, Judge Janet Nosworthy, is appointed as a Judge of the Trial Chamber,” so as to “allow the Trial Chamber to continue functioning;”²

CONSCIOUS that on 1 February 2012 the Trial Chamber has ordered *in absentia* proceedings in the case *Prosecutor v. Salim Ayyash, Mustafa Badreddine, Hussein Oneissi and Assad Sabra* (Case No. STL-11-01);³

CONSIDERING that the Trial Chamber is now seized of several matters in the *Ayyash et al.* case under Rule 89(E) of the Tribunal’s Rules of Procedure and Evidence;⁴

¹ While the word “trial” is used in the English text, considering the equally authoritative French and Arabic versions of the Statute, it appears that the President’s authority to make the appointment applies at any stage of judicial proceedings, and not just when trial proper has started.

² Confidential letter from Judge Janet Nosworthy (Alternate Judge), Judge Walid Akoum (Alternate Judge), Judge Micheline Braidy and Judge David Re to the President, 9 September 2013.

³ STL, *Prosecutor v Ayyash et al.*, STL-11-01/I/TC, Decision to Hold Trial *In Absentia*, 1 February 2012.

⁴ STL, *Prosecutor v Ayyash et al.*, STL-11-01/PT/PTJ, Decision on the Motion of the Defence for Mr Badreddine Seeking an Order to Strike Out Certain Sections of the Prosecutor’s Pre-Trial Brief, 7 February



FURTHER NOTING that the Trial Chamber is currently seized of motions by Defence counsel for Messrs Badreddine, Oneissi and Sabra alleging defects in the form of the newly amended indictment of 21 June 2013;⁵

MINDFUL that the Pre-Trial Judge has set a tentative start date for trial in the *Ayyash et al.* proceedings of 13 January 2014;⁶

EMPHASISING that under Article 16(4)(c) of the Tribunal's Statute, the accused have the right to be "tried without undue delay" and that the Statute further emphasises in Articles 18(2) and 28(2) a policy of "fair and expeditious trial";

CONVINCED of the vital importance of the Trial Chamber's work proceeding as efficiently and expeditiously as possible;

PURSUANT to Article 2(3)(b) of the Annex to UN Security Council resolution 1757 (2007), Articles 8(3) and 10(1) of the Tribunal's Statute, and Rules 28 and 32(B) of the Tribunal's Rules of Procedure and Evidence;

Hereby:

ASSIGN Judge Janet Nosworthy to replace Judge Roth as sitting Judge of the Tribunal's Trial Chamber, with immediate effect.

2013; STL, *Prosecutor v Ayyash et al.*, STL-11-01/PT/PTJ, Decision in Relation to Rule 161 Notices on Expert Witnesses, 28 February 2013; STL, *Prosecutor v Ayyash et al.*, STL-11-01/PT/PTJ, Order on the Transfer of Part of the Case File to the Trial Chamber Pursuant to Rule 95 of the Rules, Confidential, 12 August 2013.

⁵ STL-11-01/PT/TC, *Nouvelle exception préjudicielle présentée par la Défense de M. Badreddine à l'encontre de l'Acte d'accusation modifié du 21 juin 2013*, 19 août 2013; The Defence for Hussein Hassan Oneissi Preliminary Motion on the Defects in the Form of the Amended Indictment of 21 June 2013, 19 August 2013; Preliminary Motion on the Form of the Indictment, 19 August 2013.

⁶ STL, *Prosecutor v Ayyash et al.*, STL-11-01/PT/PTJ, Order Setting a New Tentative Date for the Start of Trial Proceedings, 2 August 2013.



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DECIDE that the Trial Chamber shall be composed as follows:

- (a) Judge Janet Nosworthy;
- (b) Judge Walid Akoum (Alternate Judge);
- (c) Judge Micheline Braidı; and
- (d) Judge David Re.

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

Filed this 10th day of September 2013,

Leidschendam, The Netherlands

Judge David Baragwanath
President

