



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE TRIAL CHAMBER

Case No.: STL-11-01/T/TC

Before: Judge David Re, Presiding
Judge Janet Nosworthy
Judge Micheline Braidy
Judge Walid Akoum, Alternate Judge
Judge Nicola Lettieri, Alternate Judge

Registrar: Mr. Daryl Mundis

Date: 1 April 2014

Original language: English

Classification: Public

THE PROSECUTOR

v.

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

**SCHEDULING ORDER FOR STATUS CONFERENCE ON 10 APRIL 2014
AND DECISION ON MERHI MOTION UNDER RULE 161 (B)**

Office of the Prosecutor:

Mr. Norman Farrell, Mr. Graeme Cameron
& Mr. Alexander Milne

Victims' Legal Representatives:

Mr. Peter Haynes, Mr. Mohammad F. Mattar
& Ms. Nada Abdelsater-Abusamra

Counsel for Mr. Salim Jamil Ayyash:

Mr. Eugene O'Sullivan, Mr. Emile Aoun
& Mr. Thomas Hannis

Counsel for Mr. Mustafa Amine Badreddine:

Mr. Antoine Korkmaz, Mr. John Jones
& Mr. Iain Edwards

Counsel for Mr. Hassan Habib Merhi:

Mr. Mohamed Aouini, Ms. Dorothee Le Fraper
du Hellen & Mr. Jad Khalil

Counsel for Mr. Hussein Hassan Oneissi:

Mr. Vincent Courcelle-Labrousse, Mr. Yasser
Hassan & Mr. Philippe Larochelle

Counsel for Mr. Assad Hassan Sabra:

Mr. David Young, Mr. Guénaél Mettraux
& Mr. Geoffrey Roberts



Agenda for status conference on 10 April 2014

1. The Trial Chamber has scheduled a status conference for Thursday, **10 April 2014** at **14:15** with the following agenda:

- i. Preparation of counsel for Mr. Hassan Habib Merhi for the resumption of trial including filing of their defence pre-trial brief and the date of resumption of the trial;
- ii. Submissions on the deadline for counsel for Mr. Merhi to file any notice under Rule 161 (B) of the Rules of Procedure and Evidence;
- iii. Co-operation of Lebanon with the Special Tribunal; and
- iv. Any pending motions.

Reconsideration or variation of judicial case management timetables

2. In an eleven page motion, counsel for Mr. Merhi have requested the Trial Chamber to clarify the procedures for suspending the deadline of 4 April 2014 for submissions requesting the exclusion of evidence ruled admissible in the case of *Prosecutor v. Salim Jamil Ayyash, Mustafa Amine Badreddine, Hassan Habib Merhi, Hussein Hassan Oneissi, and Assad Hassan Sabra* before its joinder on 11 February 2014.¹ They also seek a further suspension beyond the deadline and an order that they not file these submissions until after filing their defence pre-trial brief.

3. In a decision on 31 March 2014,² the Trial Chamber provided extensive reasons for its decision varying the original deadline from 14 March 2014 to 4 April 2014, in light of the Special Tribunal's case-law.³ This should answer the question posed in the motion, but, if necessary, the issue can be further discussed at the status conference.

¹ STL-11-01/T/TC, *Prosecutor v. Salim Jamil Ayyash, Mustafa Amine Badreddine, Hassan Habib Merhi, Hussein Hassan Oneissi, and Assad Hassan Sabra*, Requête de la Défense de Merhi en clarification de la procédure et en réexamen des décisions sur la preuve admise dans l'affaire *Ayyash* avant la jonction, 21 March 2014.

² STL-11-01/T/TC, Reasons for Decision on Reconsideration or Certification of the Deadline for Certain Evidentiary Motions (Merhi), 31 March 2014.

³ For example: Reasons for Decision on Reconsideration or Certification of the Deadline for Certain Evidentiary Motions (Merhi); STL-11-01/PT/AC/R176bis, Decision on Defence Requests for Reconsideration of the Appeals Chamber's Decision of 16 February 2011, 18 July 2012; STL-11-01/PT/TC, Decision on Reconsideration of the Trial *in Absentia* Decision, 11 July 2012.

Filing of Rule 161 (B) notices in relation to the Prosecution's expert witnesses

4. Counsel for Mr. Merhi have also requested the suspension of the deadline of 4 April 2014 for filing their Rule 161 (B) notice in response to the Prosecution's list of proposed expert witnesses,⁴ including an order that they need not respond until after filing their defence pre-trial brief.

5. A Rule 161 (B) notice requires a Party to inform the Trial Chamber and opposing Party if it accepts an expert witness statement, wishes to cross-examine the expert or challenges the expert's qualifications or the statement's relevance. **The Trial Chamber partly grants the motion and suspends the deadline of 4 April 2014 in respect of counsel for Mr Merhi.** No order is yet made in respect of the filing of their pre-trial brief. A revised timetable will be considered at the status conference.

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

Leidschendam,
The Netherlands
1 April 2014

David Re

Judge David Re, Presiding

Janet Nosworthy

Judge Janet Nosworthy

Micheline Braidy

Judge Micheline Braidy



⁴ STL-11-01/T/TC, Requête de la Défense de Merhi en suspension du délai de dépôt de sa notification sur les témoins experts conformément à l'article 161(B) du Règlement, 26 March 2014.