

Special Tribunal for Lebanon المحكمة الخاصة بلبنان Tribunal spécial pour le Liban
Trial Chamber دائرة المحاكمة Chambre de première instance

INTERNAL MEMORANDUM / MÉMORANDUM INTERNE

TO / À: Judge David Baragwanath, Presiding Judge, Appeals Chamber
FROM / DE: Judge David Re, Presiding Judge, Trial Chamber
THROUGH / VIA:
COPIES:
DATE: 14 May 2014
SUBJECT / OBJET: Dissenting opinion of Judge Janet Nosworthy to Trial Chamber's decision setting a date for the resumption of trial on 18 June 2014.

Dear President,

In a status conference on 12 May 2014, the Trial Chamber delivered an oral decision setting a date for the resumption of the trial in the case of *Prosecutor v Ayyash, Badreddine, Merhi, Oneissi and Sabra*, STL-11-01. At the end of the decision I announced that it was a majority decision with Judge Nosworthy dissenting, and, that 'she may issue a dissenting opinion'.¹ The Trial Chamber then certified the decision for interlocutory appeal.

On 14 May, counsel for Hassan Habib Merhi filed a motion before the Appeals Chamber (dated 13 May 2014) entitled, 'Requête de la Défense de Merhi aux fins de fixation du point de départ et de prorogation du délai de dépôt de son mémoire d'appel contre la décision sur la date de reprise du procès'. They seek an extension of time to file an appeal to date from the publication of any dissenting opinion.

Judge Nosworthy informed me yesterday that she that will not be filing a written dissenting opinion.

Counsel did not, before filing the motion, consult the Trial Chamber's legal officers as to whether she was going to publish a written dissent.

David Re

¹ Transcript, page 74.

