

THE PRESIDENT

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

Before: Judge Ivana Hrdličková, President

Registrar: Mr Daryl Mundis

Date: 22 April 2015

Original language: English

Classification: Public

ORDER ON LETTER BY MR JAMIL EL SAYED**Prosecutor:**

Mr Norman Farrell

Head of Defence Office:

Mr François Roux

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

Mr Jamil El Sayed

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 Dorothée 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 Mottreux
& Mr Geoffrey Roberts

1. I am seized of a Letter submitted by Mr Jamil El Sayed (“Applicant”) on 9 April 2015.¹ The Applicant also submitted a copy of the Letter to the Presiding Judge of the Trial Chamber.² In the Letter, the Applicant refers to the recent testimony of certain witnesses in the *Ayyash et al.* case. He alleges that these witnesses “accused [him] of specific, inaccurate, distorted or imprecise facts that [he] allegedly (according to the statements of those witnesses) committed in both [his] personal capacity and [his] professional capacity [...]”.³ The Applicant outlines a number of alleged consequences of such testimony for the trial and for him personally.⁴ He requests “to be heard by the Trial Chamber, both as a witness regarding the precise facts of which [he] was specifically accused by the aforementioned witnesses [...] and in [his] personal and professional capacity [...].” He also seeks “[t]o be granted the possibility of being heard by the Trial Chamber if, in the future, a party or a witness should accuse [him] of any facts”.⁵

2. I note that the Applicant is not a party to the proceedings in the *Ayyash et al.* case and that he has made no submissions on whether he has standing to make filings in that case. However, I consider that the Applicant’s request to be heard in the proceedings, including the question of standing, is best addressed by the Trial Chamber which is currently seized of the *Ayyash et al.* case. Under Article 10 of the Statute, the President is “responsible for [the Tribunal’s] effective functioning and good administration of justice”. This does not encompass involvement in the trial proceedings, including the decision of whom to hear as a witness in any given case. Here, it is the Trial Chamber who is tasked with the hearing of the *Ayyash et al.* case. I therefore refer the Letter to the Trial Chamber. This is without prejudice to the question of whether the Applicant has standing to file his submission in the first place.

DISPOSITION

FOR THESE REASONS;

PURSUANT to Article 10 of the Statute and Rule 32 (B) of the Rules of Procedure and Evidence;

¹ STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/PRES, F1896, Letter to the President of the Special Tribunal for Lebanon Ms Ivana Hrdličková from General Jamil El Sayed, 9 April 2015 (“Letter”).

² STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/TC, F1897, Letter to the Presiding Judge of the Trial Chamber Mr David Re, 9 April 2015.

³ Letter, para. 3; *see also* Letter, paras 4-5.

⁴ Letter, para. 6.

⁵ Letter, pp. 3-4.


I

REFER the Letter to the Trial Chamber.

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

Dated 22 April 2015

Leidschendam, the Netherlands



Judge Ivana Hrdličková

President

