

**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: 18 November 2015

Original language: English

Classification: Public

ORDER VARYING TRIAL CHAMBER'S "DECISION ON UPDATED REQUEST FOR A FINDING OF NONCOMPLIANCE", DATED 27 MARCH 2015

(Extract from Official Public Transcript of Hearing on 18 November 2015, page 67, line 15 to page 69, line 22)

I have a variation on a decision to deliver. It relates to “Decision on updated request for a finding of noncompliance,” this is filing F1889, on the 27th of March, 2015.

The background to that is that counsel for the accused Mr. Assad Hassan Sabra had requested the Chamber, Trial Chamber, to issue under Rule 20(C) of the Special Tribunal's Rules of Procedure and Evidence an immediate finding of noncompliance to the government of the Lebanese Republic in relation to requests for assistance that had been sent to Lebanon through the Head of the Defence Office by counsel for Mr. Sabra and they submitted were outstanding.

In the decision of the 27th of March, the Chamber, in its disposition at page 26, directed “the Government of Lebanon” should “respond to each of the requests listed in the annexes with an explanation as to whether it can comply with the request for assistance, and if not, [...] to explain why not; and

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“Instructs counsel for Mr. Assad Hassan Sabra to provide the Trial Chamber, within two weeks of the Government of Lebanon receiving these documents in Arabic, with an update as to any progress and an update every two weeks thereafter.”

Yesterday, in decision F2327, entitled: “Invitation to the Government of the Lebanese Republic to make submissions in relation to the Sabra Defence request for a finding of noncompliance,” the Trial Chamber in its disposition of the decision on page 3:

“Invites the Government of the Lebanese Republic to file submissions in relation to the 21 requests for assistance that counsel for Mr. Assad Hassan Sabra consider to be outstanding, within 14 days of receiving this invitation in Arabic;

“Directs counsel for Mr. Assad Hassan Sabra to file any response to the submissions, within ten days ...”

The reason for the decision yesterday was the Trial Chamber has carefully examined the responses received by the Sabra Defence to their requests for assistance sent to them by the Lebanese government between the Trial Chamber's decision of the 27th of March this year and a further clarification the Chamber issued on the 22nd of May this year in filing F1960, “Order clarifying decision on updated request for a finding of noncompliance of 27th of March, 2015.”

In that clarification, the Trial Chamber, at the request of the Lebanese government, subdivided the three annexes to its decision of the 27th of March into 25 annexes identifying the specific authority or entity to which the request for assistance should go in Lebanon. And the Chamber ordered the Lebanese government to respond to each of the requests for assistance with an explanation as to whether it can comply with the request for assistance, and if not, to explain why not.

In view of the Chamber's invitation in the decision yesterday to the Government of Lebanon inviting it to file submissions in request to what counsel for Mr. Sabra submit are 21 outstanding requests for assistance, the Chamber will vary the instruction at page 26 of the filing of the 27th of March, the “Decision on updated request of a finding of noncompliance.”

So the decision will be varied as follows. Where it says:

“Instruct counsel for Mr. Assad Hassan Sabra to provide the Trial Chamber, within two weeks of the Government of Lebanon receiving these documents in Arabic, with an update to any progress and an update every two weeks thereafter.”

It is varied to add:

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“In view of the invitation to the Government of Lebanon of the 17th of November, 2015, counsel for Mr. Sabra need only file updates upon receiving further material from the Government of the Lebanese Republic.”

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Only the original speech is authentic.