

SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE TRIAL CHAMBER

SPECIAL TRIBUNAL FOR LEBANON

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: 4 March 2016

Original language: English

Classification: Public

THE PROSECUTOR
v.
SALIM JAMIL AYYASH
MUSTAFA AMINE BADREDDINE
HASSAN HABIB MERHI
HUSSEIN HASSAN ONEISSI
ASSAD HASSAN SABRA

**DECISION ON URGENT PROSECUTION REQUEST FOR EXTENSION
OF WORD AND TIME LIMITS FOR CONSOLIDATED REPLY**

Office of the Prosecutor:
Mr Norman Farrell

Defence Office:
Mr François Roux

**Legal Representatives of
Participating Victims:**
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 Iain Edwards &
Ms Mylène Dimitri

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 Yassir
Hassan & Ms Natalie von Wistinghausen

Counsel for Mr Assad Hassan Sabra:
Mr David Young, Mr Guénaél Mesttraux &
Mr Geoffrey Roberts



INTRODUCTION AND DISCUSSION

1. The Trial Chamber is seized with an urgent Prosecution request¹ for an extension of the time and word limits for its consolidated reply to three Defence responses² to its motion for the admission of the witness statement signed by Witness PRH707.³ The Defence has not responded to Prosecution's request.

2. The Trial Chamber held in its oral order of 2 December 2013, whereby, unless otherwise ordered, the Parties in this case may file a reply to any new issue raised in a response within 5 days of its filing without seeking leave to do so.⁴ The request seeks to extend this time limit by a further 4 days on account of the Defence Responses raising such new issues and in order for the Prosecution to address factual assertions contained therein.⁵

3. Having reviewed the submissions of the Prosecution, the Trial Chamber is satisfied that good cause exists to grant the requested extension. The Prosecution is therefore authorized to file its reply no later than 11 March 2016.

4. The Trial Chamber reiterates that, as a general rule, the Prosecution may 'file consolidated replies, unless otherwise ordered, with an extended word limit commensurate with the number of Defence responses filed, not to exceed 8,000 words'.⁶ Since the Prosecution will reply to three Defence responses, the applicable word limit is 6,000 words. The request seeks to extend this word limit by a further 2,000 words on account of the

¹ *Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi and Sabra*, STL-11-01/T/TC, F2478, Urgent Prosecution Request for an Extension of Time and Word Limit in Relation to its Consolidated Reply to the Defence Responses to the Prosecution Motion for the Admission of Witness Statement signed by PRH707, 1 March 2016.

² F2470, Sabra Defence Response to "Prosecution Motion for the Admission of Witness Statement signed by PRH707", 29 February 2016; F2471, Ayyash Defence Response to "Prosecution Motion for the Admission of Witness Statements signed by Witness PRH707", 29 February 2016; F2472, Badreddine Defence Response to "Prosecution Motion for the Admission of Witness Statement signed by Witness PRH707", 26 February 2016. The Trial Chamber notes that the Prosecution has, on one occasion, incorrectly asserted that its reply concerns five instead of three responses (Prosecution request, para. 2).

³ F2450, Prosecution Motion for the Admission of Witness Statement signed by Witness PRH707, 12 February 2016.

⁴ Transcript of hearing on 2 December 2013, p. 25, lines 6-25; p. 26, lines 1-14.

⁵ Prosecution request, paras 3-4. The Prosecution asserts that the new issues include 'legal issues regarding the nature of the question before the Trial Chamber raised by the Prosecution Motion; whether the Prosecution has raised the issue of a *lacuna* in the Rules and corresponding issues of interpretation; purported time limits to request the admission of a written statement; whether there are special criteria for the admissibility of hearsay; and the possible legal consequences of a denial of the Prosecution request for admission of the statement.' With respect to the factual assertions, the Prosecution points to the 'characterization of the evidence in the statements and the in-court evidence of PRH707 as well as the assertion that the Defence are not able to cross-examine PRH707 on the evidence in the statements'.

⁶ F1271, Decision on Prosecution Motion to Extend the Time to File Replies and Exceed the Word Limit, 18 December 2013, disposition.

detailed submissions necessary to address the various matters identified by the Prosecution.⁷ In light of the number of issues identified by the Prosecution, the Trial Chamber is satisfied that exceptional circumstances exist for the requested word extension. The word limit for the Prosecution's consolidated reply in this matter is thus set to no more than 8,000 words.

DISPOSITION

FOR THESE REASONS, the Trial Chamber,

EXTENDS the time for the Prosecution to file its consolidated reply to the Defence responses to no later than 11 March 2016; and

EXTENDS the word limit for the Prosecution's consolidated reply to no more than 8,000 words.

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

Leidschendam
The Netherlands
4 March 2016

David Re

Judge David Re, Presiding

Janet Nosworthy

Judge Janet Nosworthy

Micheline Braidy

Judge Micheline Braidy



⁷ Prosecution request, para. 6.