

SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE APPEALS CHAMBER

Case No: STL-17-07/I/AC/R176bis

Before: Judge Ivana Hrdličková, Presiding
Judge Ralph Riachy, Judge Rapporteur
Judge David Baragwanath
Judge Afif Chamseddine
Judge Daniel David Ntanda Nsereko

Registrar: Mr Daryl Mundis

Date: 24 August 2017

Original language: English

Classification: Confidential

**SCHEDULING ORDER FOR WRITTEN SUBMISSIONS
PURSUANT TO RULE 176 *BIS* (B) OF THE RULES**

Prosecutor:
Mr Norman Farrell

Head of Defence Office:
Mr François Roux



1. The Appeals Chamber is seized with preliminary questions submitted confidentially and *ex parte* on 11 August 2017 by the Pre-Trial Judge pursuant to Rule 68 (G) of the Rules of Procedure and Evidence (“Preliminary Questions” and “Rules”, respectively),¹ which provides that “[t]he Pre-Trial Judge may submit to the Appeals Chamber any preliminary question, on the interpretation of the Agreement, Statute and Rules regarding the applicable law, that he deems necessary in order to examine and rule on the indictment” submitted by the Prosecutor for confirmation.
2. The Preliminary Questions raised by the Pre-Trial Judge concern the crime of criminal association as defined in Article 335 of the Lebanese Criminal Code and the criteria for reviewing the indictment. The Order on Preliminary Questions provides the authoritative version of the questions raised before the Appeals Chamber.²
3. Rule 176 *bis* (B) of the Rules provides that the Appeals Chamber shall hear the Prosecutor and the Head of Defence Office in public session before rendering its interlocutory decision on any question raised by the Pre-Trial Judge under Rule 68 (G) of the Rules.
4. In a confidential and *ex parte* decision issued on 23 August 2017, the Appeals Chamber granted the Prosecution’s request that the proceedings relating to the Preliminary Questions be maintained as strictly confidential until 7 September 2017, so that the risks associated with public proceedings may be minimized. The public session mandated under Rule 176 *bis* (B) of the Rules, which will be scheduled in due course, will be held after that date. To minimize risks to victims and witnesses, the Appeals Chamber expects that the Prosecution and the Head of Defence Office will both reflect on what information must be put before this Chamber for the purposes of the pending Rule 176 *bis* public session.
5. The Appeals Chamber also finds it necessary for a comprehensive discussion of the issues at stake to order the Prosecutor and the Head of the Defence Office to submit written submissions on the Preliminary Questions prior to the holding of the public session.

¹ STL, STL-17-07/I/AC/R176bis, F0003, Order on Preliminary Questions Addressed to the Appeals Chamber Pursuant to Rule 68 (G) of the Rules of Procedure and Evidence, Confidential and *Ex Parte*, 11 August 2017. A confidential redacted version with limited distribution was issued by the Pre-Trial Judge and communicated to the Head of Defence Office on 24 August 2017. See STL, STL-17-07/I/AC/R176bis, F0003, *Version confidentielle expurgée de l’« Ordonnance relative aux questions préjudicielles adressées à la Chambre d’appel conformément à l’article 68 G) du Règlement de procédure et de preuve » du 11 août 2017*, Confidential, 24 August 2017 (“Order on Preliminary Questions”).

² See Order on Preliminary Questions, pp. 6-8.

In deciding the time limits for filing such submissions, the Appeals Chamber is mindful of the careful consideration the Preliminary Questions deserve but also of the need to address them as expeditiously as possible so that the Pre-Trial Judge may be in a position to examine and rule on the indictment without delay.

DISPOSITION

FOR THESE REASONS;

PURSUANT to Rule 176 *bis* (B) of the Rules,

THE APPEALS CHAMBER,

ORDERS the Prosecutor and the Head of the Defence Office to file confidential written submissions on the Preliminary Questions not exceeding 9,000 words by Thursday, 7 September 2017;

ALLOWS the Prosecutor and the Head of the Defence Office, if they so wish, to file public written submissions in response not exceeding 3,000 words by Thursday, 14 September 2017; and

INSTRUCTS the Registry to change the classification of the present scheduling order and any confidential written submissions filed in accordance with it from confidential to public on Friday, 8 September 2017.

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

Dated 24 August 2017

Leidschendam, the Netherlands



Judge Ivana Hrdličková
Presiding

