



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: 8 February 2018

Original language: English

Classification: Public

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

FURTHER SCHEDULING ORDER REGARDING RULE 167 SUBMISSIONS

Office of the Prosecutor:Mr Norman Farrell & Mr Alexander Hugh
Milne**Legal Representatives of
Participating Victims:**Mr Peter Haynes, Mr Mohammad F. Mattar
& Ms Nada Abdelsater-Abusamra**Counsel for Mr Salim Jamil Ayyash:**Mr Emile Aoun, Mr Thomas Hannis &
Mr Chad Mair**Counsel for Mr Hassan Habib Merhi:**Mr Mohamed Aouini, Ms Dorothée Le Fraper
du Hellen & Mr Jad Youssef Khalil**Counsel for Mr Hussein Hassan Oneissi:**Mr Vincent Courcelle-Labrousse, Mr Yasser
Hassan & Ms Natalie von Wistinghausen**Counsel for Mr Assad Hassan Sabra:**Mr David Young, Mr Geoffrey Roberts &
Ms Sarah Bafadhel

1. On Tuesday 20 February 2018, lead counsel for the Accused Mr Hussein Hassan Oneissi will make oral submissions seeking a judgement of acquittal under Rule 167 of the Special Tribunal's Rules of Procedure and Evidence in respect of all charges against Mr Oneissi pleaded in the amended consolidated indictment. The Prosecution will respond on Wednesday 21 February 2018, followed by any reply from the Oneissi Defence.
2. In court, directly after the close of the Prosecution case on Wednesday 7 February 2018, co-counsel for the Accused, Mr Salim Jamil Ayyash, made an oral application under Rule 167, saying simply 'the Prosecution has not met its burden'. He went on to say 'I have nothing to add. We're not going to do a formal 167' but added that under his domestic professional ethical rules, he felt duty bound to do so. No supporting arguments were advanced, and the Prosecution responded formally, saying 'We say we have made out a case'.¹
3. Rule 167 (A) provides that 'At the close of the Prosecutor's case, the Trial Chamber shall, by oral or written decision and after hearing submissions of the Parties, enter a judgement of acquittal on any count if there is no evidence capable of supporting a conviction on that count'.
4. The Trial Chamber must therefore make a decision or render a judgement of acquittal on the Ayyash Defence's unargued Rule 167 application, and hence receive short submissions from the Prosecution. The Prosecution should therefore make oral submissions on **Wednesday 21 February 2018**.
5. To aid its understanding of the Oneissi Defence's oral Rule 167 submissions the Trial Chamber requires counsel for Mr Oneissi to file by **midday Friday 16 February 2018** an outline of their arguments in skeleton form. This document should be subdivided by topic, with sub-headings, and briefly set out the salient points which will be developed in oral submissions, including references to any exhibits, transcript pages, and legal authorities that counsel will use or rely upon in the oral submissions. It should also include any visual aids that will be used in court, such as charts, maps or slides.
6. The Prosecution should file a similar document by **midday Monday 19 February 2018**.

¹ STL-11-01/T/TC, *Prosecutor v. Ayyash, Merhi, Oneissi and Sabra*, provisional confidential transcript of proceedings, 7 February 2018, pp 72-73.

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

Leidschendam,
The Netherlands
8 February 2018

David Re

Judge David Re, Presiding

Janet Nosworthy

Judge Janet Nosworthy

Micheline Braidy

Judge Micheline Braidy

