



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE PRESIDENT

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

Before: Judge Ivana Hrdličková, President

Registrar: Mr Daryl Mundis

Date: 13 April 2018

Original language: English

Classification: Public

THE PROSECUTOR

v.

**SALIM JAMIL AYYASH
HASSAN HABIB MERHI
HUSSEIN HASSAN ONEISSI
ASSAD HASSAN SABRA**

ORDER DESIGNATING PANEL PURSUANT TO RULE 25 (C)

Office of the Prosecutor:
Mr Norman Farrell & Mr Nigel Povoas

Defence Office:
Ms Héleyn Uñac

**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 Dorothee 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 R. ...
& Ms Sarah Bafadhel



1. On 12 April 2018, the Oneissi Defence filed a motion pursuant to Rule 25 of the Rules of Procedure and Evidence of the Tribunal (“Rules”) seeking the disqualification and withdrawal of Presiding Judge David Re, Judge Janet Nosworthy, and Judge Micheline Braidy.¹ The motion was distributed by the Registry on 13 April 2018.

2. Rule 25 (C) of the Rules states in relevant part:

A Party may apply to the President for the disqualification and withdrawal of a Judge upon the grounds specified in paragraph (A). The President shall designate a panel of three Judges in accordance with the relevant Practice Direction to determine whether the Judge should be disqualified.

3. Under Article 1 of the Practice Direction on Designation of Panel in Matters of Excusal and Disqualification of Judges,² the President designates the Panel of three judges from a pre-determined roster of all Judges of the Tribunal. If one or more Judges are unable to sit on a Panel, the President shall designate the next Lebanese or international Judge or Judges on the roster, as appropriate.³ The Presiding Judge of the Panel is determined according to precedence under Rule 30 (B) of the Rules.⁴

4. For the period March-May 2018, the roster provides for Judge Walid Akoum, Judge Nicola Lettieri, and Judge Janet Nosworthy as the three Judges of the Panel.⁵ I note that Judge Nosworthy is one of the Judges whose disqualification is sought. The next international Judge on the roster is Judge Daniel David Ntanda Nsereko.⁶

5. In conformity with the roster, I order that the Panel be composed of Judge Walid Akoum, Judge Nicola Lettieri, and Judge Daniel David Ntanda Nsereko. It may be noted that, pursuant to Rule 25 (D) of the Rules, pending a decision under Rule 25 (C), the Judges whose disqualification is sought shall not participate in the proceedings unless the Panel decides otherwise.

¹ Public Redacted Version of Oneissi Defence Rule 25 Motion for the Disqualification and Withdrawal of Presiding Judge David Re, Judge Janet Nosworthy, and Judge Micheline Braidy, 12 April 2018.

² STL-PD-2015-08-Rev.1, Practice Direction on Designation of Panel in Matters of Excusal and Disqualification of Judges, 28 February 2018 (“Practice Direction”).

³ Practice Direction, Art. 1 (2).

⁴ Practice Direction, Art. 1 (4).

⁵ See Practice Direction, Annex 1: Roster of Judges on Panels under Rule 25 (B) and (C) of the Rules (March 2018-February 2021).

⁶ See Practice Direction, Annex 1: Roster of Judges on Panels under Rule 25 (B) and (C) of the Rules (March 2018-February 2021).

DISPOSITION

FOR THESE REASONS;

PURSUANT to Rule 25 (C) of the Rules and the Practice Direction,

I

DESIGNATE a Panel of three Judges to determine the matter; and

ORDER that this Panel be composed as follows:

Judge Daniel David Ntanda Nsereko, Presiding

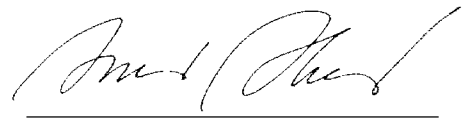
Judge Walid Akoum

Judge Nicola Lettieri.

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

Dated 13 April 2017

Leidschendam, the Netherlands



Judge Ivana Hrdličková

President

