



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: 14 May 2018

Original language: English

Classification: Public

THE PROSECUTOR

v.

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

**ORDER SUSPENDING THE SCHEDULING ORDER FOR FINAL TRIAL BRIEFS
AND CLOSING ARGUMENTS**

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

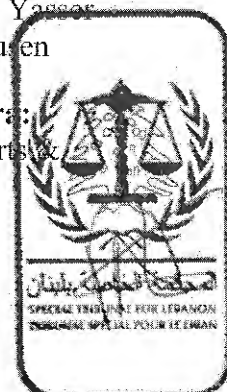
Counsel for Mr Salim Jamil Ayyash:
Mr Emile Aoun, Mr Thomas Hannis &
Mr Chad Mair

**Legal Representatives of
Participating Victims:**
Mr Peter Haynes, Mr Mohammad F. Mattar
& Ms Nada Abdelsater-Abusamra

Counsel for Mr Hassan Habib Merhi:
Mr Mohamed Aouini, Ms Dorothee Le Frapier
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 11 April 2018, the Trial Chamber ordered the Parties and the participating victims to file their final trial briefs by 4 June 2018, with any responses due by 18 June 2018. Oral closing arguments were scheduled for the weeks of 25 June to 6 July 2018.¹

2. In light of the following circumstances:

- an application filed by the Oneissi Defence on 12 April 2018, seeking the disqualification and withdrawal of the three Trial Chamber judges pursuant to Rules 25 (A) and (C);²
- the Trial Chamber's inability to participate in the proceedings pending the appointed Panel's decision on the application, which was issued on 4 May 2018, dismissing the Oneissi Defence application;³
- uncertainty surrounding the dates of testimony of the witness the Trial Chamber intends to call under Rule 165, the Prosecution's former Chief of Investigations, Mr Michael Taylor;⁴ and
- uncertainty regarding the dates and content of the testimony of the Oneissi Defence's second witness, Mr Jamil El-Sayyed,⁵

the Trial Chamber **SUSPENDS** the scheduling order to the Parties and the participating victims to file their final trial briefs by 4 June 2018, and responses by 18 June 2018, and to hold oral closing arguments for the weeks of 25 June to 6 July 2018.

¹ STL-11-01/T/TC, *Prosecutor v. Ayyash, Merhi, Oneissi and Sabra*, F3623, Scheduling Order for Final Trial Briefs and Closing Arguments under Rule 147, 11 April 2018, para. 8.

² STL-11-01/T/PRES, F3628, 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 (confidential with confidential annexes; a public redacted version of the application was filed on the same day).

³ STL-11-01/T/OTH/R25, F3645, Decision on Oneissi Defence Rule 25 Motion for the Disqualification and Withdrawal of Presiding Judge David Re, Judge Janet Nosworthy, and Judge Micheline Brady, 4 May 2018.

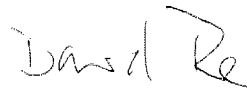
⁴ F3646, Decision Partly Granting Sabra Defence Application and Ordering the Attendance of a Former Prosecution Investigator to Testify under Rule 165, 13 April 2018 (filed on 7 May 2018 due to the operation of Rule 25 (D)).

⁵ On 8 May 2018, the Trial Chamber issued a scheduling order stating that the trial would resume on 14 May with the evidence of Professor Siegfried Ludwig Sporer. It further considered that reconsidering the date for filing the final trial briefs is interconnected with the issue of if and when Mr Jamil El-Sayyed testifies and that it awaits better information from the Oneissi Defence on the scope and date of his intended testimony and, if necessary, a reasoned application to call him to testify after the expected close of the evidence, F3652, Scheduling Order to Resume the Trial on 14 May 2018, 8 May 2018. On 9 May, counsel for Mr Oneissi sent a letter via email to the Trial Chamber, copying the Parties and Legal Representative of Victims, informing it that counsel had approached Mr El-Sayyed about reconsidering the dates he could appear to testify before the Trial Chamber and it is now possible for him to appear on 5 and 6 June 2018. *See also* F3656, Observations de la Défense en réponse à l'Ordonnance portant calendrier délivrée par le Judge Rapporteur le 8 mai 2018, 10 May 2018, para. 23.

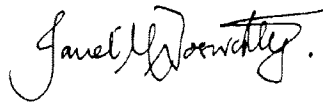
3. The Trial Chamber notes the Parties' applications that it reconsider the scheduling order, and related requests and observations on the modalities of the filing of the final trial briefs, namely whether the Defence briefs should be filed simultaneously with or after the Prosecution's brief.⁶ The Trial Chamber will decide on these applications in due course, and only after it has further information on the scheduling of the upcoming witnesses.

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

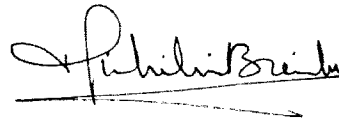
Leidschendam,
The Netherlands
14 May 2018



Judge David Re, Presiding



Judge Janet Nosworthy



Judge Micheline Braidy

⁶ See F3627, Joint Defence Request for Reconsideration of the Scheduling Order for Final Trial Briefs and Closing Arguments under Rule 147, 12 April 2018; F3636, Prosecution Motion for Reconsideration of the Order of 11 April 2018; Partial Joinder and Response to the Joint Defence Request for Reconsideration, and Motion for Clarification, 20 April 2018; F3647, Requête de la Défense en Réexamen de l'Ordonnance de la Chambre portant calendrier pour les Mémoires en clôture et Plaidoiries finales en date du 11 avril 2018, 7 May 2018 (confidential); F3648, Joint Defence Response to Prosecution Motion for Clarification dated 20 April 2018, 7 May 2018; F3656, Observations de la Défense en réponse à l'Ordonnance portant calendrier délivrée par le Juge Rapporteur le 8 mai 2018, 10 May 2018. The Legal Representative of Victims has also filed observations submitting that the Trial Chamber should await the conclusion of the evidence before setting a timetable for the presentation of closing arguments. See F3626, Observations of the Legal Representative of Victims on the Prosecution Submission for All Final Trial Briefs to be Filed No Earlier Than 27 July 2018, 11 April 2018.

