



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: 27 July 2018

Original language: English

Classification: Public

THE PROSECUTOR

v.

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

**REVISED ORDER SCHEDULING CLOSING ARGUMENTS
IN THE WEEKS OF 3 TO 14 SEPTEMBER 2018**

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 & 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. The Trial Chamber, on 12 June 2018, issued an order rescheduling written final trial briefs and closing oral submissions,¹ scheduling the filing of the Prosecution and Legal Representatives of Victims final trial briefs on 16 July, Defence final briefs on 13 August and oral closing arguments in the weeks of Monday 27 August to Friday 7 September 2018. The Prosecution then asked the Trial Chamber to partly reconsider the decision, seeking at least two additional weeks between the filing of the Defence briefs and the closing arguments. As an alternative, the Prosecution asked the Trial Chamber to provide a list of detailed questions by Friday 17 August.²

2. When asked by the Trial Chamber in court on 27 June, Defence counsel and the Legal Representative of Victims took no position on the Prosecution's application for reconsideration.³ However, in a case management meeting on Wednesday 25 July, attended by Judges Re and Nosworthy, counsel for Mr Hussein Hassan Oneissi, supported the application.⁴ She then wrote to the Trial Chamber's senior legal officer seeking the two week extension.⁵

3. In the rescheduling order, the Trial Chamber also permitted the Defence of each Accused to file a final trial brief of 60,000 words, which is double that specified in the Practice Direction on the Filing of Documents.⁶

4. At the case management meeting, counsel for Mr Hassan Habib Merhi and Mr Oneissi orally sought permission to file a brief that 'slightly' exceeded the limit sought. **The Trial Chamber then orally granted these requests.**

¹ STL-11-01/T/TC, *Prosecutor v. Ayyash, Merhi, Oneissi and Sabra*, F3687, Order Rescheduling Final Trial Briefs and Closing Arguments, 12 June 2018.

² F3695, Prosecution Motion for Reconsideration of the Abbreviated Timeframe Between the Receipt of Four Oversized Defence Briefs and Closing Arguments, 22 June 2018.

³ Transcript of hearing on 27 June 2018, pp 86-89.

⁴ The Trial Chamber notes that it had to suspend (in F3664, Order Suspending the Scheduling Order for Final Trial Briefs and Closing Arguments, 14 May 2018), then revise (on 12 June 2018) its scheduling order of 11 April 2018 (F3623, Scheduling Order for Final Trial Briefs and Closing Arguments under Rule 147) scheduling oral closing arguments between 25 June and 6 July due to the Oneissi Defence's unsuccessful application to disqualify the three Trial Chamber judges (*see* 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 Braidy, 4 May 2018).

⁵ Email from co-counsel for Mr Oneissi, saying that the Prosecution's application should be granted, and 'Moreover, the Oneissi Defence asks the Trial Chamber to take into consideration that all the teams (Defence and Prosecution) have and are working hard during this summer vacation period which naturally affects our family and private lives.'

⁶ STL/PD/2010/01/Rev.2, Practice Direction on Filing of Documents Before the Special Tribunal for Lebanon, 14 June 2013, Article 5 (1) (g).

5. Counsel for Mr Assad Hassan Sabra, however, orally also sought an extension of 15,000 words (twenty-five percent of that already permitted) to file a brief of 75,000 words. At the Trial Chamber's request, they then put this in writing in an email, arguing that this was 'to do justice to the closing written arguments after some four and a half years of trial'. The Prosecution opposed the request—again by email—stating that the Sabra Defence was essentially seeking a reconsideration of the order for a brief of 60,000 words but without justification.⁷

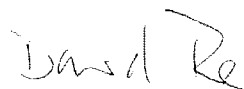
6. At the case management meeting, the Merhi Defence informed the Trial Chamber that it was the only Defence team that would be filing its brief in French.

7. The Trial Chamber is of the view that the circumstances warrant rescheduling the oral closing arguments to the weeks of **Monday 3 September to Friday 14 September 2018** and makes this revision to the scheduling order of 12 June.

8. The Trial Chamber will also vary its order to permit the **Sabra Defence to file a final trial brief of 65,000 words.**

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

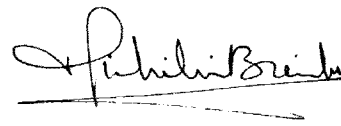
Leidschendam,
The Netherlands
27 July 2018



Judge David Re, Presiding



Judge Janet Nosworthy



Judge Micheline Braidy

⁷ Email from lead-counsel for Mr Sabra and response email from Prosecution counsel to the Trial Chamber's senior legal officer, copied to the Parties and the Legal Representatives of Victims, on 25 July 2018.

