



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE TRIAL CHAMBER**SPECIAL TRIBUNAL FOR LEBANON**

Case No: STL-18-10/I/TC

Before: Judge Nicola Lettieri, Presiding
Judge Walid Akoum
Judge Anna Bednarek

Registrar: Mr Daryl Mundis

Date: 2 December 2019

Original language: English

Classification: Public

THE PROSECUTOR
v.
SALIM JAMIL AYYASH

**SCHEDULING ORDER IN RESPECT OF RULE 106 OF THE RULES OF
PROCEDURE AND EVIDENCE**

Office of the Prosecutor:

Mr Norman Farrell & Mr Nigel Povoas

Accused :

Mr Salim Jamil Ayyash

Head of the Defence Office:

Ms Dorothee Le Fraper du Hellen



1. On 19 November 2019, the Pre-Trial Judge issued an order pursuant to Rule 105 *bis* (A) of the Rules of Procedure and Evidence, through which he seized Trial Chamber II for the purpose of determining whether proceedings *in absentia* may be initiated against the accused Mr Salim Jamil Ayyash.¹
2. Before initiating proceedings *in absentia*, Trial Chamber II must determine whether the requirements of Rule 106 (A) have been met, namely, that the accused:
 - (i) Has expressly and in writing waived his right to be present at proceedings before the Tribunal;
 - (ii) Has not been handed over to the Tribunal by the State authorities concerned within a reasonable time; or
 - (iii) Has absconded¹ or otherwise cannot be found and all reasonable steps have been taken to secure his appearance before the Tribunal and to inform him of the charges by the Pre-Trial Judge.
3. In order to make its determination under Rules 105 *bis* and 106, Trial Chamber II considers it appropriate to hear oral submissions from the Prosecutor and the accused. As the accused has yet to appoint defence counsel, Trial Chamber II invites the Head of the Defence Office to attend the hearing.
4. In addition, Trial Chamber II invites the Registrar to make submissions on his efforts to publicise the indictment and on the efforts to carry out the service of the indictment on the accused pursuant to article 148 of the Lebanese Code of Criminal Procedure.
5. Trial Chamber II does not require written submissions at this point, but may invite the participants to the hearing to supplement their oral submissions with written ones at a later date should any questions require additional clarification.

¹ STL-18-10/I/PTJ, *The Prosecutor v. Salim Jamil Ayyash*, F0061, Ordonnance de saisine de la Chambre de première instance II conformément à l'article 105 *bis* A) du Règlement afin de statuer sur l'engagement d'une procédure par défaut, 19 november 2019.

FOR THESE REASONS, Trial Chamber II:

- (i) Schedules a hearing for **Friday 13 December 2019, at 10h00**, to hear submissions on the application of Rule 106 (A) in proceedings against Mr Salim Jamil Ayyash; and
- (ii) Instructs the Registrar to take the necessary steps to notify the accused of this scheduling order (in Arabic).

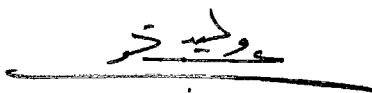
Done in English, Arabic and French, the English version being authoritative.

2 December 2019,


Leidschendam, Netherlands



Judge Nicola Lettieri, Presiding



Judge Walid Akoum



Judge Anna Bednarek

