

THE APPEALS CHAMBER

Case No: STL-17-07/I/AC/R176bis

Before: Judge Ivana Hrdličková, Presiding
Judge Ralph Riachy, Judge Rapporteur
Judge David Baragwanath
Judge Afif Chamseddine
Judge Daniel David Ntanda Nsereko

Registrar: Mr Daryl Mundis

Date: 13 September 2017

Original language: English

Classification: Public

**SCHEDULING ORDER FOR PUBLIC HEARING
PURSUANT TO RULE 176 *BIS* (B) OF THE RULES**

Prosecutor:
Mr Norman Farrell

Head of Defence Office:
Mr François Roux



1. The Appeals Chamber is seized with preliminary questions submitted on 11 August 2017 by the Pre-Trial Judge pursuant to Rule 68 (G) of the Rules of Procedure and Evidence (“Preliminary Questions” and “Rules”, respectively),¹ which provides that “[t]he Pre-Trial Judge may submit to the Appeals Chamber any preliminary question, on the interpretation of the Agreement, Statute and Rules regarding the applicable law, that he deems necessary in order to examine and rule on the indictment” submitted by the Prosecutor for confirmation.
2. The Preliminary Questions raised by the Pre-Trial Judge concern the crime of criminal association as defined in Article 335 of the Lebanese Criminal Code and the criteria for reviewing the indictment. The Order on Preliminary Questions provides the authoritative version of the questions raised before the Appeals Chamber.²
3. Pursuant to Rule 176 *bis* (B) of the Rules, the Appeals Chamber is mandated to hear the Prosecutor and the Head of Defence Office in public session before rendering its decision on any question raised by the Pre-Trial Judge under Rule 68 (G) of the Rules.
4. On 24 August 2017, in order to ensure a comprehensive discussion of the issues at stake, the Appeals Chamber ordered the Prosecutor and the Head of the Defence Office to file written submissions on the Preliminary Questions prior to the holding of the public session.³ The Prosecutor and the Head of Defence Office filed written submissions on 7 September 2017.⁴
5. The Appeals Chamber is now in a position to inform the parties that the public session mandated under Rule 176 *bis* (B) of the Rules shall take place on Wednesday, 11 October 2017. This public hearing will provide the parties in these proceedings an opportunity to provide oral submissions on the Preliminary Questions and to clarify and

¹ F0003, Order on Preliminary Questions Addressed to the Appeals Chamber Pursuant to Rule 68 (G) of the Rules of Procedure and Evidence, Confidential and *Ex Parte*, 11 August 2017. A public redacted version was issued by the Pre-Trial Judge on 11 September 2017. See F0003, *Version publique expurgée de l'« Ordonnance relative aux questions préjudicielles adressées à la Chambre d'appel conformément à l'article 68 G) du Règlement de procédure et de preuve » du 11 août 2017*, 11 September 2017 (“Order on Preliminary Questions”).

² See Order on Preliminary Questions, pp. 6-8.

³ F0006, Scheduling Order for Written Submissions Pursuant to Rule 176 *bis* (B) of the Rules, 24 August 2017.

⁴ F0013, Prosecution Submissions Pursuant to the Appeals Chamber’s Scheduling Order of 24 August 2017, 7 September 2017; F0012, *Version publique expurgée des « Observations du Bureau de la Défense suite à l’Ordonnance de la Chambre d’appel en date du 24 août 2017 » datées du 7 septembre 2017*, 7 September 2017.

further develop any written submissions on the issues raised by these questions, thereby promoting the expeditious resolution of the issues under consideration.

6. The Appeals Chamber emphasizes the need for a comprehensive discussion of the issues raised by the Preliminary Questions and requests the Prosecutor and the Head of Defence Office to use the time allotted as efficiently as possible, without merely repeating their prior written submissions.

DISPOSITION

FOR THESE REASONS;

PURSUANT to Rule 176 *bis* (B) of the Rules,

THE APPEALS CHAMBER

ORDERS that a public hearing shall take place on Wednesday, 11 October 2017; and

INFORMS the parties that the timetable of the hearing shall be as follows, subject to adjustments where appropriate:

09:30 - 09:40	Opening remarks by the Presiding Judge
09:40 - 10:30	Prosecutor's submissions (50 minutes)
10:30 - 10:50	<i>Break (20 minutes)</i>
10:50 - 11:40	Head of Defence Office's submissions (50 minutes)
11:40 - 12:00	<i>Break (20 minutes)</i>
12:00 - 12:50	Additional questions from the Judges (50 minutes).

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

Dated 13 September 2017

Leidschendam, the Netherlands



Judge Ivana Hrdličková
Presiding

