



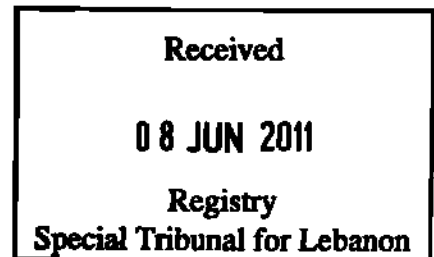
The Pre-Trial Judge

Le Pre-Trial Judge

المحكمة الخاصة بلبنان
SPECIAL TRIBUNAL FOR LEBANON
TRIBUNAL SPÉCIAL POUR LE LIBAN

THE PRE-TRIAL JUDGE

Case No.: CH/PTJ/2011/11
The Pre-Trial Judge: Mr Daniel Fransen
The Registrar: Mr Herman von Hebel
Date: 3 June 2011
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**ORDER RELATING TO THE SECOND REQUEST BY
THE PROSECUTOR FOR SUSPENSION OF PART OF THE DISPOSITION
OF THE DECISION ON THE DISCLOSURE OF MATERIALS
FROM THE CRIMINAL FILE OF MR EL SAYED OF 12 MAY 2011
AND FOR EXTENSION OF TIME**

Counsel:
Mr Akram Azoury

Office of the Prosecutor:
Mr Daniel A. Bellemare, QC

Defence Office:
Mr François Roux

STL Official Translation



CONSIDERING that on 1 June 2011, the Prosecutor filed a Request for suspension and extension of time to file a spreadsheet listing additional witness statements taken in the context of the examination of Mr El Sayed's case file, as ordered by the Pre-Trial Judge in the Decision of 12 May 2011 on the Disclosure of Materials from the Criminal File of Mr El Sayed (the "Decision of 12 May 2011");¹

CONSIDERING that pursuant to the Decision of 12 May 2011, the Prosecutor had, by 3 June 2011 at the latest, to "re-examine, in the light of the criteria for the safeguarding of the interests of the investigation, the witnesses and third parties, and national and international security, the witness statements among the 885 documents that he had identified initially, or other documents that he might have identified since then, including the handwritten documents in Arabic that are in his possession";²

CONSIDERING that the Prosecutor has stated that the documents referred to are in the process of being re-examined but that this has not yet been completed due to the number of documents involved in this review and the need to protect some information related to the ongoing investigation, the safety of the witnesses or the interests of national and international security;

CONSIDERING that the Prosecutor has requested extension until 24 June 2011 to file the spreadsheet and the inventoried documents with the relevant suggested redactions that are referred to above;

CONSIDERING that Mr El Sayed responded to the Prosecutor's Request on 2 June 2011 by contesting it, in particular because 14 months have elapsed since his original request of 17 March 2010, because the Tribunal has ruled in his favour and because the Prosecutor's request is intended to gain time as well as increasing the period of prescription for the offences committed against him;³

CONSIDERING that, although Mr El Sayed lodged a partial appeal of the Decision of 12 May 2011, insofar as this does not refer to the points raised in the Prosecutor's Request, the Pre-Trial Judge finds that he has jurisdiction to rule on those points;

¹ *Prosecution's Request for Extension of Time*, CH/PTJ/2011/08, 1 June 2011 (the "Prosecutor's Request").

² Decision of 12 May 2011, p. 19.

³ Observations from General El Sayed on "Prosecution's Request for extension of time", CH/PTJ/2010/01, 2 June 2011.

CONSIDERING that, even if the Prosecutor has not been able to examine all the documents within the time that was granted, the Pre-Trial Judge deems that it is in the interest of justice that this process be completed within a reasonable time frame and that the re-examination referred to in the Decision of 12 May 2011 be completed as soon as possible;

CONSIDERING that the Pre-Trial Judge thus considers that the inventoried documents that have already been re-examined by the Prosecutor must be filed on 7 June 2011 at the latest accompanied by the relevant suggested redactions, as appropriate;

CONSIDERING that with regard to the documents he has not yet been able to examine, the Prosecutor should file them, accompanied by suggested redactions as appropriate, as and when his task has been completed in their regard, it being understood that the whole process must be completed on 24 June 2011 at the latest;

CONSIDERING that as a consequence it is also appropriate to adjust the date by which the Prosecutor must file the report on the fulfilment of his obligations that was set for 13 June 2011 by the Decision of 12 May 2011;

FOR THESE REASONS,

In application of Rule 77 (A) of the Rules of Procedure and Evidence and after having taken into account all the submissions made by the Prosecutor and by Mr El Sayed in their respective briefs;

THE PRE-TRIAL JUDGE,

ORDERS the suspension of the obligation for the Prosecutor to file for 3 June 2011 a complete revised spreadsheet of the documents referred to in the Decision of 12 May 2011;

ORDERS the Prosecutor to file the inventoried documents that he has already re-examined, accompanied as appropriate by the relevant suggested redactions, on 7 June 2011 at the latest;

ORDERS the Prosecutor to file, as and when his task has been completed in their regard, any of the other documents, accompanied as appropriate by the relevant suggested redactions on 24 June 2011 at the latest; and

ORDERS the Prosecutor to draw up a report for the attention of the Pre-Trial Judge relating to the fulfilment of his obligations by 24 June 2011 at the latest.

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

Leidschendam, 3 June 2011.

[signature]

Daniel Fransen
Pre-Trial Judge

