



The Pre-Trial Judge

Le Juge de la mise en état

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

**BEFORE THE PRE-TRIAL JUDGE**

Case No.: STL-11-01/I  
The Pre-Trial Judge: Mr Daniel Fransen  
The Registrar: Mr Herman von Hebel  
Date: 14 June 2011  
Original: French  
Type of document: *Ex parte* and confidential

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**ORDER FOR DISMISSAL OF THE ADDITIONAL MATERIAL  
FILED BY THE PROSECUTOR ON 10 JUNE 2011**

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



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**NOTING** the *ex parte* and confidential Motion filed on 6 May 2011 by the Prosecutor of the Special Tribunal for Lebanon (the “Prosecutor” and the “Tribunal”, respectively) for the purpose in particular of confirming the Indictment included in the Annex to that Motion (the Indictment);

**NOTING** the Order of the Pre-Trial Judge of the Tribunal (the “Pre-Trial Judge”) for clarification of the Indictment issued on 9 June 2011 ordering the Prosecutor to submit to him, by 10 June 2011 at the latest, a new version of the Indictment clarifying certain points thereof;

**CONSIDERING** that on 10 June 2011, in execution of that Order, the Prosecutor submitted to the Pre-Trial Judge an amended version of the Indictment to which he appended an Annex B comprising additional material;

**CONSIDERING** that, in accordance with paragraph (I) of Rule 68 of the Rules of Procedure and Evidence (the “Rules”), the Pre-Trial Judge may “*request or permit* the Prosecutor to present additional material in support of any or all counts” (emphasis in italic added);

**CONSIDERING** that it results from this provision that the Prosecutor may not submit additional material without having been previously authorised or having been invited to do so by the Pre-Trial Judge;

**CONSIDERING** that the Prosecutor has not requested such authorisation and that the Pre-Trial Judge has not invited him to file such material;

**CONSIDERING** that the aforementioned material appended to the Indictment should therefore be dismissed;

**CONSIDERING** that if the Prosecutor deems it necessary to file this material, he must request authorisation to do so from the Pre-Trial Judge and indicate in particular the precise reasons why this material: i) is relevant with respect to the Indictment; and ii) was not filed previously, it being understood that the first version of the Indictment was registered on 17 January 2011 and was then amended on 11 March and 6 May 2011;

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**FOR THESE REASONS,**

In application of Rule 68, paragraph (I) of the Rules,

**THE PRE-TRIAL JUDGE,**

**DECLARES** that the additional material filed in support of the Indictment of 10 June 2011 and included in its Annex B was not submitted in accordance with the procedure set forth in the Rules.

**DISMISSES** therefore this additional material; and

**ORDERS** the Prosecutor, should he wish to file this material, to request authorisation to do so and indicate in particular the precise reasons why this material: i) is relevant with respect to the Indictment; and ii) was not filed previously;

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

Leidschendam, 14 June 2011.

[signature]

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Daniel Fransen  
Pre-Trial Judge

