



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

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

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



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;

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]

Daniel Fransen
Pre-Trial Judge

