

**The Pre-Trial Judge****Le Juge de la mise en état**

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

THE PRE-TRIAL JUDGE

Case no.: **STL-11-01/I**
Before: **Judge Daniel Fransen**
Registrar: **Mr. Herman von Hebel**
Date: **27 July 2011**
Original language: **English**
Type of document: **Public**

ORDER REQUESTING SUBMISSIONS ON WORKING LANGUAGES

Office of the Prosecutor:
Mr. Daniel A. Bellemare, MSM, Q.C.

Defence Office:
Mr. François Roux

The Registrar
Mr. Herman von Hebel



NOTING that on 28 June 2011, the Pre-Trial Judge of the Special Tribunal for Lebanon (respectively, “the Pre-Trial Judge” and “the Tribunal”) confirmed an indictment in the case concerning the attack against Rafiq Hariri (“the Indictment”);¹

NOTING that according to Article 14 of the Statute of the Tribunal (“the Statute”), and Rule 10(A) of the Rules of Procedure and Evidence (“the Rules”), the official languages of the Tribunal shall be Arabic, English and French;

NOTING further that Article 14 of the Statute allows the Pre-Trial Judge or a Chamber to decide that one or two of the official languages may be used as working languages, as appropriate;

NOTING that pursuant to Article 16(4)(a) and (g) of the Statute and Rule 10(C) of the Rules, an accused enjoys the rights: (i) to be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her; (ii) to have the free assistance of an interpreter if or she cannot understand or speak the language used in the Tribunal; and (iii) to use his or her own language during proceedings before the Pre-Trial Judge or a Chamber;

NOTING further that pursuant to Rule 59 (D) of the Rules and Article 18(E)(iii) of the Directive on the Assignment of Counsel, admission to the list of Defence Counsel and appointment as Defence Counsel to represent an accused, are both preconditioned on the requisite “combined language abilities required for fair and expeditious proceedings”;

NOTING that regarding disclosure, the Prosecutor, according to Rule 110 (A) and subject to Rules 115, 116, 117 and 118, shall make available to the Defence in a language which the accused understands copies of the supporting material accompanying the indictment when confirmation thereof was sought, as well as specific categories of statements, and various other evidence as specified in Rule 110(A)(i) and (ii);

¹ Case No. STL-11-01/I, 28 June 2011.

NOTING further that, pursuant to Rule 110(B), the Prosecutor shall, on request, permit the Defence to inspect any books, documents, photographs and tangible objects in the Prosecutor's custody or control, which are material to the preparation of the defence, or are intended for use by the Prosecutor as evidence at trial or were obtained from or belonged to the accused;

NOTING that according to Rule 10(D), other persons appearing before the Pre-Trial Judge or a Chamber, other than as counsel, who do not have sufficient knowledge of the official languages, may use their own language, subject to the authorisation of the Pre-Trial Judge or a Chamber;

NOTING further that pursuant to Rule 10(E), decisions or any written or oral submission shall be rendered in English or French, while judgments, sentences, decisions on jurisdiction and other decisions which the Pre-Trial Judge or a Chamber decides address "fundamental issues", shall be translated into Arabic;

NOTING that pursuant to Rule 10(B) of the Rules, the Pre-Trial Judge or a Chamber shall decide, as early in the proceedings as possible and after having consulted with the Parties and the legal representatives of victims participating in the proceedings, what language(s) shall be used as working language(s) in the case;

NOTING that pursuant to Rule 77(E), the Pre-Trial Judge may, in the interests of justice, issue *proprio motu* such orders as may be necessary for the preparation or conduct of the proceedings;

NOTING finally that according to Rule 89(B), the Pre-Trial Judge shall take all measures necessary to prepare the case for a fair and expeditious trial;

CONSIDERING that the timely determination of the working language(s) serves the interests of justice by providing the Prosecution, the Defence Office, the Defence, the Registry (notably the Victims Participation Unit), as well as the victims participating in the proceedings with a degree of clarity and certainty, and remains without prejudice to the rights of the Defence;

CONSIDERING that, while the language of the Accused has not yet been determined, the Defence Counsel and the legal representatives of victims participating in the proceedings have not yet been appointed, and the Trial Chamber has not yet been convened, such circumstances ought not to delay the preparation of proceedings;

CONSIDERING that, at this stage of proceedings, it is incumbent upon the Pre-Trial Judge to take all necessary measures for a fair and expeditious trial, including on the issue of the determination of the working language(s), without prejudice to the competence of the Trial Chamber;

CONSIDERING that before issuing a decision on working language modalities, the Pre-Trial Judge deems it necessary to consult the principal organs of the Tribunal on the matter;

FOR THESE REASONS

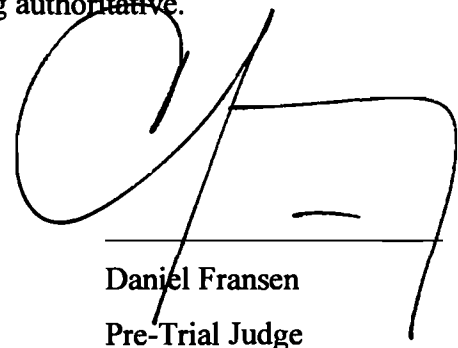
PURSUANT TO Rules 10(B), 77(E) and 89(B) of the Rules,

THE PRE-TRIAL JUDGE,

HEREBY REQUESTS that the Office of the Prosecutor, the Defence Office, and the Registrar (including the Victims Participation Unit) submit concise written observations by 8 August 2011, expressing their views on the working language modalities, and in particular, on the following points:

- (1) The determination of one or more working languages;
- (2) The determination of a language regime(s) applicable to disclosure;
- (3) The language regime(s) and modalities applicable to written and oral submissions by the Parties and the victims participating in proceedings;
- (4) The language regime applicable to the transcripts of oral hearings.

Done in English, Arabic, and French, the English text being authoritative.
Leidschendam, 27 July 2011.



Daniel Fransen
Pre-Trial Judge

