



**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/PTJ**  
The Pre-Trial Judge: **Mr Daniel Fransen**  
The Registrar: **Mr Herman von Hebel**  
Date: **6 December 2011**  
Original: **French**  
Type of document: **Public**

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**ORDER RELATING TO MAKING PUBLIC THE PROSECUTOR'S SUBMISSIONS  
CONCERNING THE *AYYASH ET AL.* CASE**

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

**Defence Office:**  
Mr François Roux



## **I. The purpose of the Order**

1. By way of this Order, the Pre-Trial Judge of the Special Tribunal for Lebanon (the “Tribunal”) rules on the matter of whether to lift the confidentiality of the submissions relating to the review of the indictments filed by the Prosecutor in the context of the *Ayyash et al.* case since 17 January 2011.

## **II. Procedural background**

2. On 21 September 2011, the Pre-Trial Judge issued an order stating that it was in the interest of justice to make public the Prosecutor’s confidential and *ex parte* submissions relating to the review of the indictments filed since 17 January 2011, provided that it would not be prejudicial to the conduct of the investigation and/or the protection of any person, in accordance with Rule 96 (B) of the Rules of Procedure and Evidence (respectively the “Rules” and the “Order of 21 September 2011”).<sup>1</sup> With this in mind, the Pre-Trial Judge invited the Prosecutor to submit, by 21 October 2011 at the latest, his observations on the subject, and where appropriate, if he wished that his submissions remain partially confidential, to include suggested redactions and the reasons for them.

3. On 7 October 2011, the Prosecutor filed a request for clarification of certain aspects of the Order of 21 September 2011.<sup>2</sup> Following that request, on 13 October 2011, the Pre-Trial Judge specified that the Order of 21 September 2011 related, in principle, to all the Prosecutor’s confidential and *ex parte* submissions filed in connection with the requests concerning the review of the indictments filed since 17 January 2011, including the applications for the issuance of arrest warrants and for the protection of confidential information contained therein. On that occasion, he pointed out however that the documentary evidence filed in support of the indictments did not fall within the scope of the Order of 21 September 2011 and should not be made public at this stage of the proceedings.<sup>3</sup>

<sup>1</sup> Case No. STL-11-01/I/PTJ, Order to Make Public the Prosecutor’s Submissions Concerning the *Ayyash et al.* Case, 21 September 2011, para. 8.

<sup>2</sup> Case No. STL-11-01/I/PTJ, Prosecutor’s Request for Clarification on the Scope of the Order by the Pre-Trial Judge dated 21 September 2011, 7 October 2011.

<sup>3</sup> Case No. STL-11-01/I/PTJ, Order Relating to the Prosecutor’s Request for Clarification of the Order of 21 September 2011 to Make Public the Prosecutor’s Submissions Concerning the *Ayyash et al.* Case, 13 October 2011, paras 12 to 16.

4. On 20 October 2011, the Prosecutor filed his observations together with two annexes: the first – referred to as “Annex A” – contains a list of documents relating to the Order of 21 September 2011; the second – referred to as “Annex B” – includes suggested redactions of three documents contained in that list for the purpose of safeguarding the interests of the investigation and the security of persons concerned by those documents (the “Prosecutor’s Observations”).<sup>4</sup> On 24 October 2011, the Prosecutor filed a corrigendum of the above-mentioned Annex A (the “Corrigendum”).<sup>5</sup>

5. On 18 November 2011, the Registrar opposed the request of the Prosecutor to entrust the Language Services Section of the Registry with the responsibility for making the redactions in the translated versions of the documents listed in the above-mentioned Annex B, redacted by the Prosecutor.<sup>6</sup> According to the Registrar, this task effectively involves an analytical exercise of the documents concerned and an understanding of the intention motivating the required redactions, and therefore it may only be carried out by the Prosecutor.<sup>7</sup>

6. On 24 November 2011, the Head of Defence Office asked the Pre-Trial Judge if he could file observations with regard to the Registrar’s submissions of 18 November 2011.<sup>8</sup> By way of an internal memorandum dated 24 November 2011, the Pre-Trial Judge invited him to do so by 29 November 2011 at the latest.<sup>9</sup>

7. On 29 November 2011, the Head of Defence Office considered in his submissions that the responsibility for carrying out the redactions in the translated documents falls on the Language Services Section of the Registry for the following four main reasons: (i) that Section is responsible for all the official translations of the documents of the Tribunal and the amendments made to those documents; (ii) the parties have no responsibility as far as translation is concerned; (iii) that way of working conforms to the practice of other

<sup>4</sup> Case No. STL-11-01/I/PTJ, Prosecutor’s Observations Filed Pursuant to the Order of the Pre-Trial Judge dated 21 September 2011, 20 October 2011.

<sup>5</sup> Case No. STL-11-01/I/PTJ, Corrigendum to the Prosecutor’s Observations Filed Pursuant to the Order of the Pre-Trial Judge dated 21 September 2011, 24 October 2011.

<sup>6</sup> Case No. STL-11-01/I/PTJ, Registry Submission Pursuant to Rule 48 (C) in Relation to Redactions, 18 November 2011.

<sup>7</sup> *Ibid.*, para. 3.

<sup>8</sup> Case No. STL-11-01/I/PTJ, Internal Memorandum from the Head of Defence Office, 24 November 2011.

<sup>9</sup> Case No. STL-11-01/I/PTJ, Internal Memorandum from the Pre-Trial Judge, 24 November 2011.

international criminal tribunals; and (iv) the defence lawyers have neither the skills nor the means to carry out this task.<sup>10</sup>

8. On 1 December 2011, the Prosecutor filed a reply, subject to the authorisation of the Pre-Trial Judge, supporting the submissions developed in his Observations on the subject of the responsibility of the Language Services Section of the Registry with regard to the translation of documents after they have been redacted (the “Reply of 1 December 2011”).<sup>11</sup>

### **III. The Prosecutor’s submissions**

9. According to the Prosecutor, although Rule 96 of the Rules requires that all documents filed at the pre-trial stage shall be public, it does not set out a time frame for lifting the confidential status of those documents.<sup>12</sup> Furthermore, the Prosecutor relies on international law and Lebanese law to support his submission that documents filed at the pre-trial stage are not, in principle, made public before the accused concerned have been arrested or, in the case of proceedings *in absentia*, before the Head of Defence Office has appointed counsel.<sup>13</sup>

10. More specifically:

- with regard to the indictments submitted to the Pre-Trial Judge on 17 January, 11 March and 6 May 2011, the Prosecutor submits that they should not be made public at any time insofar as, since they have been superseded by the indictment of 10 June 2011 and have not been confirmed or dismissed by the Pre-Trial Judge, they have no legal effect.<sup>14</sup> He notes in this respect that the Pre-Trial Judge himself had stated in the decision relating to the examination of the indictment of 28 June 2011, that the indictment of 10 June 2011 replaced the previous versions;<sup>15</sup>

<sup>10</sup> Case No. STL-11-01/I/PTJ, *Observations en réponse à la soumission du Greffier relatives aux expurgations en application de l’article 48 (C) du Règlement de procédure et de preuve*, 29 November 2011, paras 5 to 9.

<sup>11</sup> Case No. STL-11-01/I/PTJ, *Prosecution’s Observations Regarding the Registry Submission Pursuant to Rule 48 (C) in Relation to Redactions*, 1 December 2011.

<sup>12</sup> Case No. STL-11-01/I/PTJ, *Prosecutor’s Observations Filed Pursuant to the Order of the Pre-Trial Judge dated 21 September 2011, 20 October 2011*, para. 15.

<sup>13</sup> *Ibid.*, paras 15 to 18.

<sup>14</sup> *Ibid.*, para. 19. The Prosecutor also notes that, according to Rule 71 (A) (i) of the Rules, he may amend an indictment without leave of the Chamber until it has been confirmed.

<sup>15</sup> *Ibid.*, para. 21.

- with regard to the Declarations of the Chief of Investigations of 14 January and 3 May 2011 and to three other partially confidential documents listed in Annex B of the Prosecutor's Observations,<sup>16</sup> the Prosecutor is of the opinion that they have to remain confidential in order to guarantee the effective conduct of the investigations and the protection of persons who are concerned by those documents, in accordance with Rule 96 (B) of the Rules and with existing international and national jurisprudence.<sup>17</sup> The Prosecutor notes, in this respect, that the term "any person" as it appears in Rule 96 (B) (ii) of the Rules is not limited to victims and witnesses, but applies to any individual who might be endangered or whose privacy could be put at risk were a document concerning him/her to be publicly disclosed.<sup>18</sup> The Prosecutor suggests moreover, that when it is appropriate to lift the confidentiality of the three aforementioned documents, they should be made public in redacted form so as not to harm the conduct of the investigations and the protection of the witnesses;<sup>19</sup>
- with regard to the filings and orders issued within the context of the review process of the indictment, the Prosecutor considers that they must remain confidential so as to guarantee the effective conduct of the investigations and the protection of persons who are concerned by those documents, in accordance with existing international and national jurisprudence;
- with regard to the evidentiary material submitted in support of the indictments, the Prosecutor notes that the Order of the Pre-Trial Judge of 13 October 2011 expressly excluded the material from the documents which might be made public at this stage of the proceedings;<sup>20</sup> and
- with regard to other filings (for example, certain applications relating to the issuance of arrest warrants), the Prosecutor points out that they were either

<sup>16</sup> The Prosecutor refers in his Observations to Annex A, whereas it should actually be Annex B.

<sup>17</sup> Case No. STL-11-01/I/PTJ, Prosecutor's Observations Filed Pursuant to the Order of the Pre-Trial Judge dated 21 September 2011, 20 October 2011, paras 24 to 29.

<sup>18</sup> *Ibid.*, para. 27.

<sup>19</sup> *Ibid.* paras 30 to 36.

<sup>20</sup> *Ibid.*, para. 38.

withdrawn by himself or dismissed by the Pre-Trial Judge, and that therefore they no longer form part of the court file.<sup>21</sup>

11. Lastly, the Prosecutor suggests consultation with the Victims and Witnesses Unit before taking any decision on the matter. Indeed, the Unit may be able to provide the Pre-Trial Judge with relevant information on the subject of the risks that could result were the confidentiality of certain documents to be lifted.<sup>22</sup>

#### **IV. Statement of reasons**

12. After having recalled the basis of his jurisdiction (a) and the review criteria of the Prosecutor's Observations (b), the Pre-Trial Judge will examine the applicable legal provisions (c) and will consider the Prosecutor's Observations (d). Lastly, he will rule on the matter of responsibility with regard to the redactions to be made to the translated documents (e).

##### **a. The jurisdiction of the Pre-Trial Judge**

13. The Pre-Trial Judge has jurisdiction to rule on lifting the confidentiality of the submissions relating to the review of the indictment filed by the Prosecutor pursuant to Rule 96 of the Rules.

##### **b. The review criteria of the Prosecutor's Observations**

14. The Pre-Trial Judge wishes first of all to recall that, pursuant to Article 11 of the Statute, it is incumbent upon the Prosecutor to direct the investigations and prosecute the persons presumed to be responsible for the crimes falling under the jurisdiction of the Tribunal. In that capacity, he is best placed to determine whether the documents relating to the investigations and the prosecution concerning those individuals should remain confidential, in accordance with Rule 96 (B) of the Rules and existing jurisprudence. In that context, the role of the Pre-Trial Judge is limited to examining: (i) whether the applicable legal requirements in this regard have been met; and (ii) whether the Prosecutor's application of those requirements to the documents concerned is not clearly unreasonable.<sup>23</sup>

<sup>21</sup> *Ibid.* para. 38.

<sup>22</sup> *Ibid.*, para. 37.

<sup>23</sup> *Cf.* in this respect the Order Regarding the Detention of Persons Detained in Lebanon in Connection with the Case of the Attack Against Prime Minister Rafiq Hariri and Others, 29 April 2009, paras 25 and 26.

15. In this respect, the Pre-Trial Judge wishes to recall that the Prosecutor, acting as a judicial organ safeguarding the public interest that he represents, must do so in good faith. In accordance with Rule 55 (C) of the Rules, he is in fact obliged to assist the Tribunal in establishing the truth, protecting the interests of victims and witnesses and respecting the fundamental rights of suspects and accused.

**c. The applicable legal provisions**

16. The provision to take into consideration in the context of the examination of lifting the confidentiality of the submissions relating to the review of the indictments filed by the Prosecutor is Rule 96 of the Rules, entitled: “Public Nature of Pre-Trial Proceedings”. That provision is worded as follows:

- A) Subject to sub-paragraph (B), pre-trial filings, proceedings and orders shall be public, unless otherwise provided by the Rules or decided by the Pre-Trial Judge at the request of a Party.
- B) Any filing or order relating to (i) coercive investigative measures, including requests for search warrants, arrest warrants or subpoenas or (ii) a request for confirmation of an indictment that is filed confidentially by the Prosecutor, shall remain confidential for as long as is necessary for the effective conduct of the investigation and/or the protection of any person. Applications or notifications under Rules 115-119 shall be governed by the provisions in those Rules.

17. According to that Rule, documents and orders filed confidentially at the pre-trial stage shall, in principle, be public, with the exception of coercive measures and requests for confirmation of indictments which shall remain confidential as long as the conduct of the investigation or the protection of “any person” so requires.

**d. Consideration of the Prosecutor’s Observations**

18. The documents mentioned in the Prosecutor’s Observations and in the Corrigendum can properly be classified according to the following categories: (i) the indictments of 17 January, 11 March, 6 May and 10 June 2011 and the evidentiary material submitted in support of them; (ii) the Declarations of the Chief of Investigations of 14 January and 3 May 2011 and the documents listed in Annex B to the Prosecutor’s Observations; and (iii) the submissions, orders and letters filed as part of the process of reviewing the indictments.

19. The Pre-Trial Judge shall examine each of those categories of documents separately in light of the Prosecutor’s Observations, the relevant provisions and existing jurisprudence.

With regard to the Prosecutor's suggestion of consulting the Victims and Witnesses Unit, it is a matter for him, if applicable, to refer to the Unit, prior to filing his submissions.

20. *The indictments of 17 January, 11 March, 6 May and 10 June 2011 and the evidentiary material submitted in support of those indictments (including the additional material submitted on 11 and 20 May 2011).* With regard to the indictments of 17 January and 11 March 2011, the Pre-Trial Judge recalls that he neither confirmed nor dismissed them. Since, in accordance with Rule 71 (A) (i) of the Rules, prior to the confirmation of those indictments, the Prosecutor was at liberty to amend them without leave of a judge, the Pre-Trial Judge considers that those indictments should not be made public. As far as the indictment of 6 May 2011 is concerned, by way of the Order of 9 June 2011 which was made public on 16 August 2011,<sup>24</sup> the Pre-Trial Judge invited the Prosecutor to clarify the indictment by reformulating counts 6 and 7.<sup>25</sup> Having requested that amendment, he considers that the indictment of 6 May 2011 should be dealt with separately from the indictments of 17 January and 11 March 2011 and made public at the latest when the accused concerned appear in court or, in the case of proceedings *in absentia*, when the Head of Defence Office appoints counsel, subject to the necessary redactions to protect the conduct of the investigation or the persons concerned. With regard to the indictment of 10 June 2011, the matter of whether or not it should be made public is governed by the order of 16 August 2011, which provides that the confidentiality of the indictment issued against Messrs. Ayyash, Badreddine, Oneissi and Sabra and other documents may be lifted (the "Order of 16 August 2011"), subject to certain redactions.<sup>26</sup> With regard to the evidentiary material submitted in support of the indictments, the Pre-Trial Judge recalls that it does not fall within the scope of the Order of 21 September 2011 and should not be made public at this stage of the proceedings.<sup>27</sup>

21. *The Declarations of the Chief of Investigations of 14 January and 3 May 2011 and the documents listed in Annex B to the Prosecutor's Observations.* On reading the Declarations of the Chief of Investigations, the Pre-Trial Judge considers that the case made by the

<sup>24</sup> Case No. STL-11-01/I, Order on Lifting the Confidentiality of the Indictment against Messrs. Ayyash, Badreddine, Oneissi and Sabra and Other Documents, 16 August 2011.

<sup>25</sup> Case No. STL-11-01/I, Order for Clarification of the Indictment, 9 June 2011.

<sup>26</sup> Case No. STL-11-01/I, Order on Lifting the Confidentiality of the Indictment against Messrs. Ayyash, Badreddine, Oneissi and Sabra and Other Documents, 16 August 2011.

<sup>27</sup> Case No. STL-11-01/I/PTJ, Order Relating to the Prosecutor's Request for Clarification of the Order of 21 September 2011 to Make Public the Prosecutor's Submissions Concerning the *Ayyash et al.* Case, 13 October 2011, para. 15.



Prosecutor in support of non-disclosure of those documents, relating to the need to protect the conduct of the ongoing investigations and certain individuals concerned by those documents, are not “clearly unreasonable”. With regard to the documents listed in Annex B to the Prosecutor’s Observations, the Pre-Trial Judge finds that the Prosecutor’s proposed redactions are not “clearly unreasonable” either, taking into account the contingencies relating to the protection of the ongoing investigation and of certain persons concerned by them. It results from this that: (i) the Declarations of the Chief of Investigations should not be made public as long as the protection of the above-mentioned interests so requires; and (ii) before lifting their confidentiality when the accused concerned appear in court or, in the case of proceedings *in absentia*, when the Head of Defence Office appoints counsel, it will become necessary to examine to what extent the documents listed in Annex B to the Prosecutor’s Observations should be redacted in accordance with the suggestions of the Prosecutor.

22. *The submissions, orders and letters filed in support of the indictments.* According to Annex A to the Prosecutor’s Observations, the submissions and orders mentioned are the following:<sup>28</sup>

- (i) Submission of an Indictment for Confirmation (Rule 68) and (1) Motion for an Arrest Warrant and Order for Transfer (Rule 79); (2) Urgent Motion for the Non-Disclosure of the Indictment (Rule 74); and (3) Urgent Motion for an Order for Interim Non-Disclosure of the Identities of Witnesses pending the Implementation of Appropriate Witness Protection Measures (Rules 77 and 115) (confidential and *ex parte*) of 17 January 2011;<sup>29</sup>
- (ii) Submission of an Amended Indictment for Confirmation (Rule 68 and 71) and Motion for Arrest Warrants and Orders for Transfer (Rule 79) (confidential and *ex parte*) of 11 March 2011;<sup>30</sup>
- (iii) Combined Motion of the Prosecutor (1) Submission of an Indictment for Confirmation (Rule 68), (2) Motion for Continuation of Pre-Trial Judge’s

<sup>28</sup> The title of some of the documents is given in English in this Order as they have not been translated into French.

<sup>29</sup> The matter of lifting the confidentiality of Annexes A, B and C to that document was dealt with in paragraphs 16 and 17 of this Order.

<sup>30</sup> The matter of lifting the confidentiality of Annexes A and B to that document was dealt with in paragraph 17 of this Order.

Order Dated 19 January 2011 Pursuant to Rule 96 (B), and (3) Motions in the Event of Confirmation of the Indictment Pursuant to Rules 74, 77 and 79 (confidential and *ex parte*), including Annex C of 6 May 2011;<sup>31</sup>

- (iv) Prosecutor's Submission of Additional Supporting Material of 11 May 2011;<sup>32</sup>
- (v) Submission of an Amended Indictment for Confirmation under Rule 71 and in Response to the Order of the Pre-Trial Judge Dated 9 June 2011 (confidential and *ex parte*) of 10 June 2011;<sup>33</sup>
- (vi) Submission of Additional Material in Support of Motion for Arrest Warrants in Combined Motion of the Prosecutor dated 6 May 2011, including Annex A (the redacted indictments) and Annex B (information on the accused) of 21 June 2011;
- (vii) Submission of Redacted Indictments (English version) including Annexes A, B, C and D of 24 June 2011;
- (viii) Submission of Redacted Indictments (Arabic version) including Annexes A, B, C and D of 27 June 2011; and
- (ix) Submission of Additional Indictment Supporting Material as Requested by the Pre-Trial Judge under Rule 68 (I) (i) (confidential and *ex parte*), including Annex A (letters from the Pre-Trial Judge of 19 and 20 May 2011) and Annex B (additional supporting material), of 20 May 2011.

23. The Pre-Trial Judge considers that, in accordance with existing international jurisprudence, the documents mentioned above in points (i) to (vi) (Annex A excluded), in point (vii) (Annexes A, B, C and D excluded), in point (viii) (Annexes A, B, C and D excluded) and in point (ix) (Annexes A and B excluded) should not be made public for the time being, but when the accused concerned appear in court or, in the case of proceedings *in absentia*, when counsel for the defence are appointed. The Pre-Trial Judge points out that the

<sup>31</sup> The matter of lifting the confidentiality of Annexes A and B and D to that document was dealt with in paragraphs 16 and 17 of this Order.

<sup>32</sup> The matter of lifting the confidentiality of Annex A to that document was dealt with in paragraph 17 of this Order.

<sup>33</sup> The matter of lifting the confidentiality of Annexes A and B to that document was dealt with in paragraph 17 of this Order.

issue of possible redactions to those documents, in order to protect the conduct of the investigation or the persons concerned, should be considered when they are made public. In this respect, the Prosecutor correctly interprets the term “any person” of Rule 96 (B) in a broad sense, namely by including not only victims and witnesses, but also any individual who might be put at risk were a document concerning them to be made public. Furthermore, the Pre-Trial Judge considers that Annex A mentioned above in point (ix) should be subjected to the same procedures as the Declarations of the Chief of Investigations mentioned in paragraph 21 of this Order.

24. Lastly, the Prosecutor’s observation that the applications relating to the arrest warrants mentioned above in points (i) and (ii) no longer form part of the court file because he withdrew the arrest warrants relating to it, is ill-founded. Indeed, the Pre-Trial Judge considers that since they are contained in the body of the texts of the submissions mentioned in points (i) and (ii) of paragraph 22 above, those applications may not be separated from it and therefore are to be treated in the same way as them. Furthermore, with regard to the redacted indictments referred to in points (vi) Annex A, (vii) Annexes A, B, C and D and (viii) Annexes A, B, C and D of paragraph 22 above, the Pre-Trial Judge points out that the matter of their being made public is governed by the Order of 16 August 2011.<sup>34</sup>

**e. Redactions in the translated documents**

25. The Pre-Trial Judge authorises the Prosecutor to file the Reply of 1 December 2011, pursuant to Rule 8 of the Rules.

26. The Pre-Trial Judge notes that the matter of the redaction of documents mentioned in the Prosecutor’s Observations does not arise at this stage of the proceedings. Nevertheless, as this point was raised in the submissions of the Prosecutor, the Registrar and the Head of Defence Office, the Pre-Trial Judge has decided to rule on this matter. He finds that the translation of documents, including those containing redactions, falls to the Language Services Section of the Registry. Indeed, it alone is responsible for the official translations of documents of the Tribunal. Therefore, the Language Services Section must ensure that, where appropriate, the translation of those documents takes into account any possible amendments which might be made to them at a later date, even if they are in the form of redactions.

<sup>34</sup> Cf. para. 16 of this Order.

However, insofar as the process of redacting documents might lead to differences in interpretation, the Prosecutor is required to provide the Language Services Section of the Registry with any support necessary in this respect.

**V. The disposition**

**FOR THESE REASONS,**

**PURSUANT TO** Rule 96 of the Rules,

**THE PRE-TRIAL JUDGE**

**ORDERS** that

- the indictments of 17 January and 11 March 2011 shall not be made public;
- the indictment of 6 May 2011 shall be made public at the latest when the accused concerned appear in court or, in the case of proceedings *in absentia*, when counsel for the defence are appointed, subject to the required redactions in order to protect the conduct of the investigation or the persons concerned;
- the Declarations of the Chief of Investigations and Annex A mentioned in point (ix) of paragraph 22 of this Order shall not be made public as long as the conduct of the investigation or the protection of persons concerned so requires;
- subject to the necessary redactions so as to protect the conduct of the investigation or the persons concerned, the documents mentioned in points (i) to (vi) (Annex A excluded), in point (vii) (Annexes A, B, C and D excluded), in point (viii) (Annexes A, B, C and D excluded) and in point (ix) (Annexes A and B excluded) of paragraph 22 above shall be made public at the latest when the accused concerned appear in court or, in the case of proceedings *in absentia*, when counsel for the defence are appointed;

- where appropriate, the translation of the documents to which changes, including in the form of redactions, should be made, is the responsibility of the Language Services Section of the Registry, with the necessary support of the Prosecutor in that respect; and

**RECALLS** that

- the procedures relating to the confidentiality of the indictment of 10 June 2011 are governed by the Order of 16 August 2011;
- the procedures relating to the confidentiality of the evidentiary material submitted in support of the indictments do not fall within the scope of the Order of 21 September 2011; and
- the procedures relating to the confidentiality of the redacted indictments mentioned in points (vii) Annexes A, B, C and D and (viii) Annexes A, B, C and D of paragraph 22 of this Order are governed by the Order of 16 August 2011.

Done in French.

Leidschendam, 6 December 2011

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[signature]

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Daniel Fransen  
Pre-Trial Judge



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

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

**LE JUGE DE LA MISE EN ÉTAT**

Affaire n° : **STL-11-01/I/PTJ**  
Le Juge de la mise en état : **M. le Juge Daniel Fransen**  
Le Greffier : **M. Herman von Hebel**  
Date : **le 6 décembre 2011**  
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**ANNEXE À L' « ORDONNANCE RELATIVE À LA PUBLICITÉ DES  
SOUSSIONS DU PROCUREUR CONCERNANT L'AFFAIRE *AYYASH ET AL.* »**

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**Bureau du Procureur :**  
M. Daniel A. Bellemare, MSM, c.r.

**Bureau de la Défense :**  
M. François Roux



Date	Titre	Détails	Régime
17 janvier 2011	Submission of an Indictment for Confirmation (Rule 68) and (1) Motion for an Arrest Warrant and Order for Transfer (Rule 79); (2) Urgent Motion for the Non-Disclosure of the Indictment (Rule 74); and (3) Urgent Motion for an Order for Interim Non-Disclosure of the Identities of Witnesses pending the Implementation of Appropriate Witness Protection Measures (Rules 77 and 115)	Submission of an Indictment for Confirmation (Rule 68)	1
		Motion for an Arrest Warrant and Order for Transfer (Rule 79)	1
		Urgent Motion for the Non-Disclosure of the Indictment (Rule 74)	1
		Urgent Motion for an Order for Interim Non-Disclosure of the Identities of Witnesses pending the Implementation of Appropriate Witness Protection Measures (Rules 77 and 115)	1
		Annex A - Indictment	2
		Annex B - Declaration of the Chief of Investigations, dated 14 January 2011	3
		Annex C - Supporting Evidential Material	4
11 mars 2011	Submission of an Amended Indictment for Confirmation (Rule 68 and 71) and Motion for Arrest Warrants and Orders for Transfer (Rule 79)	Submission of an Amended Indictment for Confirmation (Rule 68 and 71)	1
		Motion for Arrest Warrants and Orders for Transfer (Rule 79)	1
		Annex A - Amended Indictment	2
		Annex B - Supporting Evidential Material	4
6 mai 2011	Combined Motion of the Prosecutor (1) Submission of an Indictment for Confirmation (Rule 68), (2) Motion for Continuation of Pre-Trial Judge's Order dated 19 January 2011 pursuant to Rule 96(B); and (3) Motions in the Event of Confirmation of the Indictment pursuant to Rules 74, 77, and 79	Submission of an Indictment for Confirmation (Rule 68)	1
		Motion for Continuation of Pre-Trial Judge's Order dated 19 January 2011 pursuant to Rule 96(B)	1
		Motions in the Event of Confirmation of the Indictment pursuant to Rules 74, 77, and 79	1
		Annex A - Indictment	1
		Annex B - Declaration of the Chief of Investigations, dated 3 May 2011	3

		Annex C - List of authorities referenced as evidential material with hard copy of authorities	1
		Annex D - Supporting Evidential Material	4
11 mai 2011	Prosecutor's Submission of Additional Supporting Material	Prosecutor's Submission of Additional Supporting Material	1
		Annex A - Supporting Evidential Material	4
20 mai 2011	Submission of Additional Indictment Supporting Material as Requested by the Pre-Trial Judge under Rule 68(I)(i)	Submission of Additional Indictment Supporting Material as Requested by the Pre-Trial Judge under Rule 68(I)(i)	1
		Annex A - Letters of the Pre-Trial Judge dated 19 and 20 May 2011	3
		Annex B - Supporting Evidential Material	4
10 juin 2011	Submission of an Amended Indictment for Confirmation under Rule 71 and in Response to the Order of the Pre-Trial Judge dated 9 June 2011	Submission of an Amended Indictment for Confirmation under Rule 71 and in Response to the Order of the Pre-Trial Judge dated 9 June 2011	1
		Annex A - Indictment	5
		Annex B - Additional Supporting Material	4
21 juin 2011	Submission of Additional Material in Support of Motion for Arrest Warrants in Combined Motion of the Prosecutor dated 6 May 2011	Submission of Additional Material in Support of Motion for Arrest Warrants in Combined Motion of the Prosecutor dated 6 May 2011	1
		Annex A -1 - Proposed Redactions for Indictment against Mustafa Amine Badreddine	5
		Annex A -2 - Proposed Redactions for Indictment against Salim Jamil Ayyash	5
		Annex A -3 - Proposed Redactions for Indictment against Hussein Hassan Oneissi	5
		Annex A -4 - Proposed Redactions for Indictment against Assad Hassan Sabra`	5



		Annex B -1 - Information in Support of Arrest Warrant - Mustafa Amine Badreddine	1
		Annex B -2 - Information in Support of Arrest Warrant - Salim Jamil Ayyash	1
		Annex B -3 - Information in Support of Arrest Warrant - Hussein Hassan Oneissi	1
		Annex B -4 - Information in Support of Arrest Warrant - Assad Hassan Sabra	1
24 juin 2011	Submission of Redacted Indictments (English language)	Submission of Redacted Indictments (English language)	1
		Annex A - Redacted Indictment (English) against Mustafa Amine Badreddine	5
		Annex B - Redacted Indictment (English) against Salim Jamil Ayyash	5
		Annex C - Redacted Indictment (English) against Hussein Hassan Oneissi	5
		Annex D - Redacted Indictment (English) against Assad Hassan Sabra	5
27 juin 2011	Submission of Redacted Indictments (Arabic language)	Submission of Redacted Indictments (Arabic language)	1
		Annex A - Redacted Indictment (Arabic) against Mustafa Amine Badreddine	5
		Annex B - Redacted Indictment (Arabic) against Salim Jamil Ayyash	5
		Annex C - Redacted Indictment (Arabic) against Hussein Hassan Oneissi	5
		Annex D - Redacted Indictment (Arabic) against Assad Hassan Sabra	5

Légende:

1	Doit être rendu public au plus tard au moment de la comparution des accusés concernés ou, en cas de procédure par défaut, lors de la désignation des conseils de la défense, sous réserve des expurgations nécessaires pour protéger la conduite de l'enquête ou les personnes concernées.
2	Ne doit pas être rendu public.
3	Ne doit pas être rendu public tant que la conduite de l'enquête ou la protection des personnes concernées le requiert.
4	La question de la levée de la confidentialité des pièces justificatives soumises à l'appui des actes d'accusation ne tombent pas sous le coup de l'Ordonnance du 21 septembre 2011. Ces pièces ne doivent donc pas être rendues publiques à ce stade de la procédure.
5	La question de la levée de la confidentialité est gouvernée par l'Ordonnance du 16 août 2011.

