



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE PRESIDENT

Case No.: STL-11-01/PT/PRES
Before: Judge David Baragwanath, President
Registrar: Mr Herman von Hebel
Date: 3 October 2012
Original language: English
Classification: Confidential

THE PROSECUTOR

v.

**SALIM JAMIL AYYASH
MUSTAFA AMINE BADREDDINE
HUSSEIN HASSAN ONEISSI
ASSAD HASSAN SABRA**

PRESIDENT'S ORDER ON PUBLICITY AND REDACTIONS

Prosecutor:
Mr Norman Farrell

Counsel for Mr Salim Jamil Ayyash:
Mr Eugene O'Sullivan
Mr Emile Aoun

Counsel for Mr Mustafa Amine Badreddine:
Mr Antoine Korkmaz
Mr John Jones

Head of Defence Office:
Mr François Roux

Counsel for Mr Hussein Hassan Oneissi:
Mr Vincent Courcelle-Labrousse
Mr Yasser Hassan

Counsel for Mr Assad Hassan Sabra:
Mr David Young
Mr Guénaél Mettraux





1. The Head of Defence Office, joined by defence counsel, has challenged before me, in my capacity as President of the Special Tribunal for Lebanon, the refusal of the Registrar to permit him to appoint Dr Omar Nashabe as Local Resource Person for the purpose of assisting the Defence of the accused on their forthcoming trial *in absentia*.¹ Except in relation to one aspect entailing confidentiality protecting defence interests, the Prosecutor was permitted to participate in the process. Because of potential impact of this dispute on the fairness of the proceedings, I have decided to decline in my capacity as President to determine the dispute and have invited the Pre-Trial Judge to consider dealing with the matter.²
2. There remains the issue of the confidential status of my orders and certain filings in the present dispute for me to deal with. Having given an opportunity to the Registry, the Office of the Prosecutor, and the Defence Office to make submissions on the matter,³ I am now in a position to do so.
3. All participants in the present litigation agree that for reasons of confidentiality certain redactions are required. Having considered the documents I am satisfied that the rules applicable to confidentiality status (*mutatis mutandis*)⁴ require that certain filings or portions thereof should not be made public, at least for the time being. I allow for a short delay in making public documents or parts thereof to allow the participants in the present litigation to ensure that all necessary redactions are made pursuant to their combined submissions.

¹ STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PRES, Request for Review of Registrar's Decision of 27 July 2012 in Relation to the Assignment of a Local Resource Person, 31 August 2012.

² STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PRES, Decision of President on Forum and Redactions, 25 September 2012.

³ STL, *Prosecutor v. Ayyash et al.*, Case No. STL-11-01/PT/PRES: Registry Submission in Relation to the Decision of President on Forum and Redactions, 26 September 2012; Prosecution's Submissions on Redactions Pursuant to Decision of President, 27 September 2012; Defence Office Submissions in Relation to the Decision of President on Forum and Redactions, 28 September 2012.

⁴ See Articles 10 and 28(1) of the Tribunal's Statute; Rules 96, 111 and 133 of the Tribunal's Rules of Procedure and Evidence.



FOR THESE REASONS

I

ORDER the Registry to file as public the following redacted versions of orders and decisions, contained in Annexes A and B to the present Order, on Monday 8 October 2012:

- Interim Scheduling Direction, 3 September 2012;
- Second Interim Decision, 10 September 2012;

ORDER the Registry to redact the following filings as agreed to by the parties in this litigation and to file as public their redacted versions on Monday, 8 October 2012:

- Registry Submissions in Relation to the President's Interim Schedule Direction of 3 September 2012;
- Registry Further Submission in Relation to the President's Second Interim Decision of 10 September 2012.

ORDER the Registry to reclassify as public the following filings on Monday, 8 October 2012:

- Prosecution Submission Pursuant to President's Second Interim Decision of 14 September 2012;
- Further Scheduling Order of 14 September 2012;
- Decision of President on Forum and Redactions, 25 September 2012;
- The present President's Order on Publicity and Redactions.

ORDER the Defence Office to redact the following filings as agreed to by the parties in this litigation and file as public their redacted versions on Monday, 8 October 2012:

- Request for Review of Registrar's Decision of 27 July 2012 in Relation to the Assignment of a Local Resource Person, 31 August 2012;



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TRIBUNAL SPÉCIAL POUR LE LIBAN

- *Observations additionnelles du Bureau de la Défense suite à la deuxième décision avant dire droit du Président.*

ORDER the Office of the Prosecutor to redact the following filing as agreed to by the parties in this litigation and file as public its redacted version on Monday, 8 October 2012:

- Prosecution's Further Submission Pursuant to President's Second Interim Decision, 21 September 2012.

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

Dated this 3rd day of October, 2012

Leidschendam, the Netherlands

Judge David Baragwanath
President

