

**THE APPEALS CHAMBER**

**Case No.:** CH/AC/2013/01

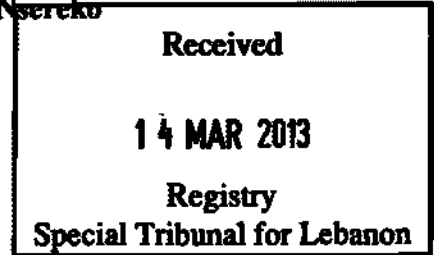
**Before:** Judge David Baragwanath, Presiding  
Judge Ralph Riachy  
Judge Afif Chamseddine  
Judge Daniel David Ntanda Nsereko  
Judge Ivana Hrdličková

**Registrar:** Mr Herman von Hebel

**Date:** 14 March 2013

**Original language:** English

**Classification:** Public

**IN THE MATTER OF EL SAYED****INTERIM ORDER ON PROSECUTOR'S APPEAL**

**Counsel for Mr El Sayed:**  
Mr Akram Azoury

**Prosecutor:**  
Mr Norman Farrell

**Head of Defence Office:**  
Mr François Roux





1. In the context of proceedings concerning a request by Mr El Sayed for disclosure of documents in the Prosecutor's custody, the Prosecutor has filed an appeal against a decision of the Pre-Trial Judge.<sup>1</sup> In that decision, the Pre-Trial Judge determined that certain documents were subject to disclosure to Mr El Sayed in line with the Appeals Chamber's case-law.<sup>2</sup> Until now, the proceedings in this specific matter have been conducted as confidential and *ex parte*, that is, without the knowledge or participation of Mr El Sayed.

2. For reasons that we will explain in our decision on the Appeal, we find it necessary to provide Mr El Sayed with an opportunity to make submissions on the matter. While we cannot reveal to him the specific documents that are the focus of the Appeal, as this would defeat the purpose of the litigation,<sup>3</sup> we now provide him with redacted versions of the relevant filings.<sup>4</sup> We give Mr El Sayed seven days to file a response to the Appeal if he so wishes. The Prosecutor may reply within four days of that response but only on new matters arising from Mr El Sayed's brief.<sup>5</sup>

## DISPOSITION

**FOR THESE REASONS;**

**THE APPEALS CHAMBER;**

**PROVIDES** Mr El Sayed with redacted versions of the following filings:

- Prosecution's Submissions on the Status of Certain Documents, 1 November 2012 (Annex A)
- Decision on the Prosecution Request to Suspend the Disclosure of Certain Documents, 11 January 2013 (Annex B)

<sup>1</sup> STL, *In the matter of El Sayed*, OTP/AC/2013/01, Prosecution Appeal of the Pre-Trial Judge's "Décision portant sur la Demande du Procureur de Suspendre la Communication de Certains Documents" of 11 January 2013, Confidential and *Ex Parte*, 7 February 2013.

<sup>2</sup> STL, *In the matter of El Sayed*, CH/PTJ/2013/01, Decision on the Prosecution Request to Suspend the Disclosure of Certain Documents, Confidential and *Ex Parte*, 11 January 2013.

<sup>3</sup> See STL, *In the matter of El Sayed*, CH/AC/2012/02, Decision on Partial Appeal by Mr El Sayed Against Pre-Trial Judge's Decision of 8 October 2012, 23 November 2012, para. 12.

<sup>4</sup> We have consulted with the Pre-Trial Judge and the Prosecutor on the extent of the redactions, which we have kept to the minimum necessary.

<sup>5</sup> See STL, *In the matter of El Sayed*, CH/AC/2012/01, Order on Request by Mr El Sayed for Leave to File a Reply, 7 November 2012, para. 3.



- Prosecution Appeal of the Pre-Trial Judge's "Décision portant sur la Demande du Procureur de Suspendre la Communication de Certains Documents" of 11 January 2013 (Annex C)

**ALLOWS** Mr El Sayed to make submissions in response to the Appeal by 21 March 2013, 4 pm;

**ALLOWS** the Prosecutor to reply to any new issue arising from Mr El Sayed's response by 25 March 2013, 4 pm.

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

Dated 14 March 2013,

Leidschendam, the Netherlands

Judge David Baragwanath  
Presiding

