



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE PRE-TRIAL JUDGE

Case No.: **STL-18-10/I/PTJ**
The Pre-Trial Judge: **Judge Daniel Fransen**
The Registrar: **Mr Daryl Mundis**
Date: **29 May 2019**
Original language: **French**
Classification: **Confidential and *ex parte***

THE PROSECUTOR
v.
SALIM JAMIL AYYASH

**DECISION ON THE PROSECUTOR'S REQUEST FOR THE CORRECTION OR,
ALTERNATIVELY, CLARIFICATION OF THE DECISION
OF 15 MAY 2019**

Office of the Prosecutor:
Mr Norman Farrell



1. On 15 May 2019, the Pre-Trial Judge delivered a decision on the review of the Indictment of 14 December 2018 issued against Mr Salim Jamil Ayyash (the “Indictment”) in relation to the attacks carried out against Mr Hamade, Mr Hawi and Mr El-Murr.¹ Under the terms of that decision, the Pre-Trial Judge *inter alia* ordered the Prosecutor to file a revised version of the Indictment incorporating a number of amendments specified in the disposition of the Decision.²

2. On 29 May 2018, the Prosecutor filed a request for the filing of a corrected version or, alternatively, a clarification of the Decision (the “Request”)³ on the grounds that some of the requests for amendments mentioned in the disposition of the Decision are incompatible given that they concern paragraphs in the Indictment which were ordered to be removed in that same Decision, and that as such the Prosecutor cannot comply.⁴

3. The Pre-Trial Judge notes, firstly, that a party may not request the revision or filing of a corrected version of a decision issued by a Judge of the Tribunal, but may only seek clarification thereof.

4. The Pre-Trial Judge recalls that paragraph 90 of the Decision cited by the Prosecutor is intended to show the points of the Indictment in respect of which the Prosecutor, in the course of his exchanges with the Pre-Trial Judge under Rule 68 of the Rules of Procedure and Evidence, had undertaken to make amendments.⁵

5. The Pre-Trial Judge considers, in the light of the non-confirmation of the responsibility of Mr Ayyash as an accomplice under Counts three, four and five,⁶ that it goes without saying that any reference related thereto must necessarily be removed from the revised version of the Indictment, in accordance with the disposition of the Decision, and that the only amendments to be incorporated in the revised version of the Indictment are those relating to the remaining paragraphs. It is thus clear that any points mentioned in paragraph 90 of the Decision that may

¹ STL, *Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0003, Decision on the Review of the Indictment of 14 December 2018 Issued Against Mr Salim Jamil Ayyash, 15 May 2009, confidential and *ex parte* (“Decision”).

² *Id.*, disposition, p. 54.

³ STL, *Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0005, Prosecution’s Request for a Revised or Corrected Version of the 15 May 2019 “Decision on the Review of the Indictment of 14 December 2018 Issued against Mr Salim Jamil Ayyash” or, alternatively, Clarification of the Decision, 29 May 2019, confidential and *ex parte*, paras 1-2, 4, 13.

⁴ *Id.*, paras 1, 5-9.

⁵ Decision, para. 90.

⁶ *Id.*, para. 88, disposition, p. 54.

relate to the responsibility of Mr Ayyash as an accomplice – namely, paragraphs 90 (l), 90 (p), 90 (q) and 90 (r) – do not require any specific action on the part of the Prosecutor as part of the measures ordered in the context of the disposition other than their being removed from the revised version of the Indictment.

6. Furthermore, the Pre-Trial Judge notes that detailed explanations in this regard were already provided in an email sent to the Office of the Prosecutor on 23 May 2019 by the Pre-Trial Judge's team further to the request that the Prosecutor had made in relation to this matter.

7. In addition, the Pre-Trial Judge considers that the part of the disposition relating to paragraph 76 (1) (d) of the Indictment does not concern the Prosecutor.⁷ He notes, however, that the French translation of the revised version of the Indictment must in any case be done on the basis of this new version.

8. Consequently, the Pre-Trial Judge considers the Request to be unfounded, as it is unnecessary to file a revised version of the Decision or to make clarifications relating to it.

FOR THESE REASONS,

THE PRE-TRIAL JUDGE,

DISMISSES the Request.

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

Leidschendam, 29 May 2019

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[signature]

Daniel Fransen
Pre-Trial Judge



⁷ Decision, disposition, p. 54. See Request, paras 3, 10, 12.