



## THE PRE-TRIAL JUDGE

Case No.: **STL-11-02/CCS/PTJ**

The Pre-Trial Judge: **Judge Daniel Fransen**

The Registrar: **Mr Daryl Mundis**

Date: **9 July 2019**

Original language: **French**

Classification: **Confidential and *ex parte***

---

### **ORDER SEEKING SUBMISSIONS FROM THE PROSECUTOR REGARDING THE LIFTING OF CONFIDENTIALITY AND ORDERING THE FILING OF A NUMBER OF DOCUMENTS IN CASE STL-18-10**

---

**Office of the Prosecutor:**  
Mr Norman Farrell



1. **NOTING** the Prosecutor's Submission of 30 June 2011 requesting the Pre-Trial Judge to rule that the attacks committed against Messrs Hamade, Hawi, and El-Murr ("connected attacks") are connected to the attack committed against Mr Hariri on 14 February 2005;<sup>1</sup>
2. **NOTING** the Decision of the Pre-Trial Judge of 5 August 2011 ruling on the jurisdiction of the Tribunal in respect of the connected attacks as a result of their being connected to the attack committed against Mr Hariri and of their nature and gravity being similar to that attack;<sup>2</sup>
3. **NOTING** the Order of the Pre-Trial Judge of 14 November 2011 ordering that the Decision on the Connected Case Submission, initially filed confidentially, be reclassified as a confidential and *ex parte* document;<sup>3</sup>
4. **NOTING** the Order of the Pre-Trial Judge of 12 October 2016 seeking information from the Prosecutor on the progress of the investigations relating to the connected attacks;<sup>4</sup>
5. **CONSIDERING** that the Pre-Trial Judge ordered the confidentiality of the filings above<sup>5</sup> in order to ensure the security and safety of the victims and witnesses and to safeguard the Prosecutor's ongoing investigations and the integrity of the evidentiary material;<sup>6</sup>
6. **NOTING** Rule 96 (A) of the Rules of Procedure and Evidence ("Rules") according to which, subject to Rule 96 (B), all pre-trial filings, proceedings and orders shall be public;
7. **NOTING** the confirmation of an indictment, in case STL-18-10, against Mr Salim Jamil Ayyash for his role in the connected attacks<sup>7</sup> and the filing of an amended version of the Indictment on 14 June 2019;<sup>8</sup>

---

<sup>1</sup> STL, STL-11-02/CCS/PTJ, F0001, Prosecutor's Connected Cases Submission, confidential and *ex parte*, 30 June 2011 ("Prosecutor's Connected Cases Submission"), para. 96.

<sup>2</sup> STL, STL-11-02/CCS/PTJ, F0002, Decision on the Prosecutor's Connected Case Submission of 30 June 2011, confidential and *ex parte*, 5 August 2011 ("Decision on the Connected Case Submission"), disposition, p. 47.

<sup>3</sup> STL, STL-11-02/CCS/PTJ, F0007, Reclassification Order, 14 November 2011 ("Reclassification Order"), para. 10 and disposition, p. 4.

<sup>4</sup> STL, STL-11-02/CCS/PTJ, F0010, Order Requesting Information from the Prosecutor regarding the Progress of the Investigations into the Attacks perpetrated against Messrs Hamadeh, Hawi and El-Murr, confidential and *ex parte*, 12 October 2016 ("Order regarding the Progress of the Investigations"), disposition, p. 7.

<sup>5</sup> With the exception of the Reclassification Order, which is public.

<sup>6</sup> Prosecutor's Connected Cases Submission, para. 96; Decision on the Connected Case Submission, para. 148 and disposition, p. 47; Order regarding the Progress of the Investigations, para. 11 and disposition, p. 7.

<sup>7</sup> STL, *The 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, confidential and *ex parte*, 15 May 2019.

8. **CONSIDERING** that the Pre-Trial Judge considers that the aforementioned filings must also be filed in case STL-18-10, particularly due to the fact that they provide the basis for the jurisdiction of the Tribunal in respect of the connected attacks, which are the subject of this last case, and to the fact that the Defence may challenge that jurisdiction pursuant to Rule 11 (C) of the Rules;

9. **CONSIDERING** that, for the same reasons, the Pre-Trial Judge's Orders directing the Lebanese judicial authorities seized with the cases concerning the connected attacks to defer to the Tribunal ("Orders for Deferral")<sup>9</sup> and the Prosecutor's Request relating thereto<sup>10</sup> must also be filed in case STL-18-10;

10. **CONSIDERING** that in this context, and in order to anticipate the forthcoming stages of the proceedings in case STL-18-10, it is appropriate for the Pre-Trial Judge to request submissions from the Prosecutor relating to the lifting of confidentiality and, if necessary, of the *ex parte* nature of the confidential filings referred to above;

**FOR THESE REASONS,**

**PURSUANT TO** Rules 11 (C), 77 and 96 (A) of the Rules,

**THE PRE-TRIAL JUDGE,**

---

<sup>8</sup> STL, *The Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0012, Request Seeking Leave to Further Amend the Confirmed Indictment, Provision of the Proposed Amended Version of the Redacted Indictment for Service on the Accused, and Notification, confidential and *ex parte*, 14 June 2019; STL, *The Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0016, Prosecution's Submission of the Signed Redacted Indictment for Service on the Accused, confidential and *ex parte*, 20 June 2019, with Annex A, Redacted Version of the Indictment, dated 14 June 2019, confidential. See also STL, *The Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0015, Decision on the 14 June 2019 Version of the Indictment and the Documents filed pursuant to the Decision of 15 May 2019, confidential and *ex parte*, 19 June 2019.

<sup>9</sup> STL, STL-11-02/D/PTJ, F0004, Order Directing the Lebanese Judicial Authority Seized with the Case Concerning the Attack Perpetrated against Mr Marwan Hamadeh on 1 October 2004 to Defer to the Special Tribunal for Lebanon, 19 August 2011; STL, STL-11-02/D/PTJ, F0005, Order Directing the Lebanese Judicial Authority Seized with the Case Concerning the Attack Perpetrated against Mr George Hawi on 21 June 2005 to Defer to the Special Tribunal for Lebanon, 19 August 2011; STL, STL-11-02/D/PTJ, F0006, Order Directing the Lebanese Judicial Authority Seized with the Case Concerning the Attack Perpetrated against Mr Elias El-Murr on 12 July 2005 to Defer to the Special Tribunal for Lebanon, 19 August 2011.

<sup>10</sup> STL, STL-11-02/D/PTJ, F0003, Prosecutor's Request for Deferral and Provision of Documentation in the Cases of Hamadeh, Hawi, and El-Murr, confidential and *ex parte*, 8 August 2011 ("Prosecutor's Request for Deferral").

**ORDERS** the Registrar to file the following documents in case STL-18-10:

- i) Prosecutor's Connected Cases Submission and annexes;
- ii) Decision on the Connected Case Submission;
- iii) Prosecutor's Request for Deferral;
- iv) Orders for Deferral;
- v) Reclassification Order;
- vi) Order regarding the Progress of the Investigations; and
- vii) the present Order;

**REQUESTS** the Prosecutor to provide his submissions by 22 July 2019 at the latest regarding the lifting of confidentiality, in full or in part, and if necessary, of the *ex parte* nature of the following documents, indicating, where necessary, the information that in his opinion should remain confidential and providing the reasons justifying this:

- i) Prosecutor's Connected Cases Submission and annexes;
- ii) Decision on the Connected Case Submission;
- iii) Prosecutor's Request for Deferral;
- iv) Order regarding the Progress of the Investigations; and
- v) the present Order.

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

Leidschendam, 9 July 2019

[stamp]

[signature]

Daniel Fransen  
Pre-Trial Judge

