



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 Franssen**

The Registrar: **Mr Daryl Mundis**

Date: **18 September 2019**

Original language: **French**

Classification: **Public**

**THE PROSECUTOR**  
v.  
**SALIM JAMIL AYYASH**

**ORDER SEEKING SUBMISSIONS ON WORKING LANGUAGES****Office of the Prosecutor:**

Mr Norman Farrell

**Defence Office:**

Ms Dorothée Le Fraper du Hellen



## I. Discussion

1. The Pre-Trial Judge confirmed an indictment dated 14 June 2019 (“Indictment”) against Mr Salim Jamil Ayyash (“Accused”) for his alleged role in the attacks carried out against Messrs Hamade, Hawi and El-Murr on 1 October 2004, 21 June 2005 and 12 July 2005 respectively (“connected attacks”).<sup>1</sup>

2. The Statute and the Rules of Procedure and Evidence of the Tribunal (“Rules”) govern the modalities of the choice of the working languages. As such, Article 14 of the Statute provides:

The official languages of the Special Tribunal shall be Arabic, French and English. In any given case proceedings, the Pre-Trial Judge or a Chamber may decide that one or two of the languages may be used as working languages as appropriate.

3. Furthermore, Rule 10 (B) of the Rules sets forth that, as early in the proceedings as possible, a Judge or Chamber, after consulting with the Parties and the legal representatives of victims participating in the proceedings, shall decide which language(s) shall be used as working language(s) in the case.

4. The Pre-Trial Judge recalls that, pursuant to Article 16 (4) (a) and (g) of the Statute and Rule 10 (C) of the Rules, an accused shall have the following rights: (i) to be informed promptly and in detail, in a language which he or she understands, of the nature and cause of the charge against him or her; (ii) to have the free assistance of an interpreter if he or she cannot understand or speak the language used in the Special Tribunal; and (iii) to use his or her own language during proceedings.

5. In addition, according to Rule 59 (D) of the Rules and Article 18 (E) (iii) of the Directive on the Assignment of Defence Counsel, admittance to the list of Defence counsel, as well as the assignment of duty Defence counsel tasked with representing an accused, must ensure a sufficient combined language capacity to provide effective representation for the accused and,

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<sup>1</sup> The Indictment of 14 June 2019 is the second revised version of the Indictment filed on 14 December 2018 and confirmed by the Pre-Trial Judge on 15 May 2019. See STL, *The Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0003, Public redacted version of the “Decision on the Review of the Indictment of 14 December 2018 issued against Mr Salim Jamil Ayyash” dated 15 May 2019, 16 September 2019; STL, *The Prosecutor v. Salim Jamil Ayyash*, STL-18-10/I/PTJ, F0015, Public redacted version of the “Decision on the 14 June 2019 Version of the Indictment and the Documents Filed Pursuant to the Decision of 15 May 2019” dated 19 June 2019, 16 September 2019.

according to Rule 58 (A) (ii) of the Rules, Defence counsel must have written and oral proficiency in English or French.

6. With regard to the disclosure of evidence, Rule 110 (A) of the Rules sets forth that, subject to the provisions of Rules 115, 116, 117 and 118 of the Rules, the Prosecutor shall make available to the Defence, in a language which the accused understands, copies of all supporting material which accompanied the indictment when confirmation was sought, as well as all statements obtained by the Prosecutor from the accused, and the statements of all the prosecution witnesses and the transcripts of statements as defined in Rule 110 (A) (i) and (ii) of the Rules.

7. Furthermore, in accordance with Rule 10 (D) of the Rules, other persons appearing before a Judge or Chamber, other than as counsel, who do not have sufficient knowledge of the official languages, may use their own language, subject to the authorisation of the Judge or Chamber. Lastly, pursuant to Rule 10 (E) of the Rules, decisions on any written or oral submissions shall be rendered in English or French, whereas judgements, sentences, decisions on jurisdiction and other decisions which a Judge or Chamber decides address fundamental issues, shall be translated into Arabic.

8. The Pre-Trial Judge likewise recalls that pursuant to Rule 77 (E) of the Rules, he may, in the interests of justice, issue *proprio motu* such orders as may be necessary for the preparation or conduct of the proceedings, and that, in accordance with Rule 89 (B) of the Rules, he shall take any measures necessary to prepare the case for a fair and expeditious trial.

9. Consequently, the Pre-Trial Judge considers that the determination, at the appropriate time, of the working language(s) for the purposes of this case serves the interests of justice by providing all the participants to the proceedings with a degree of clarity and certainty, and without prejudice to the rights of the Defence.

10. Although the language used by the Accused has yet to be determined, and Defence counsel and the legal representatives of victims participating in the proceedings have not yet been assigned, and although the Trial Chamber has not yet been convened, such considerations should not be allowed to delay the preparations for trial, especially since other stages of the proceedings, requiring in particular written filings, must be completed beforehand.

11. The Pre-Trial Judge notes that, at this stage of the proceedings, it falls to him to take all necessary steps to ensure a fair and expeditious trial, including the determination of the working

languages, without prejudice to the jurisdiction of the Trial Chamber which will be convened for the continuation of the proceedings. Therefore, the Pre-Trial Judge deems it necessary, before rendering his decision regarding the modalities of the working languages, to consult the principal organs of the Tribunal on this matter.

## II. Disposition

**FOR THESE REASONS,**

**PURSUANT** to Article 14 of the Statute and Rules 10 (B), 77 (E) and 89 (B) of the Rules,

**THE PRE-TRIAL JUDGE,**

**ORDERS** the Office of the Prosecutor, the Defence Office and the Registrar, for himself and for the Victims' Participation Unit, to submit, if they so wish, by 3 October 2019 at the latest, written submissions setting out their views regarding the determination of one or more working languages and in particular regarding the language regime to be applied:

- 1) to oral proceedings;
- 2) to filings submitted by the Parties, the legal representatives of victims participating in the proceedings and other persons appearing other than as counsel, including materials falling under Rules 91 (G), 91 (H) and 91 (I) of the Rules;
- 3) to evidence disclosed in accordance with Rules 110 (A), 112, 112 *bis* and 113 of the Rules;
- 4) to transcripts of hearings; and
- 5) to the translation of documents issued by Chambers.

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

Leidschendam, 18 September 2019

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[signature]

Daniel Fransen  
Pre-Trial Judge

