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Part Three. Judicial decisions on questions relating the United Nations and related
intergovernmental organizations

Chapter VII. Decisions and advisory opinions of international tribunals



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Chapter VII

DECISIONS AND ADVISORY OPINIONS OF INTERNATIONAL TRIBUNALS

A. INTERNATIONAL COURT OF JUSTICE¹

The International Court of Justice is the principal judicial organ of the United Nations. It was established in June 1945 by the Charter of the United Nations and began work in April 1946.

On 5 April 2011, the President of the Court ordered the case of *Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters (Belgium v. Switzerland)* to be removed from the list of cases after the Agent of Belgium had requested the Court to make such an order recording Belgium's discontinuance of the proceedings. A time-limit was provided for in accordance with Article 89, paragraph 2, of the Court's Rules of Procedure, for Switzerland to oppose the discontinuance of the proceedings, but no such opposition was made.

1. Judgments

- (i) *Application of the Interim Accord of 13 September 1995 (The Former Yugoslav Republic of Macedonia v. Greece)*, Judgment, 5 December 2011.
- (ii) *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, Judgment, Application by Costa Rica for Permission to Intervene, 4 May 2011.
- (iii) *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, Judgment, Application by Honduras for Permission to Intervene, 4 May 2011.
- (iv) *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)*, Judgment, 1 April 2011.

2. Advisory Opinions

No advisory opinions were delivered by the Court in 2011.

¹ The texts of the judgments, advisory opinions and orders are published in the *ICJ Reports*. Summaries of the judgments, advisory opinions and orders of the Court are provided in English and French on its website <http://www.icj-cij.org>. In addition, the summaries can be found in all six official languages of the United Nations on the website of the Codification Division of the United Nations Office of Legal Affairs, <http://www.un.org/law/ICJsummaries>. For more information about the Court's activities, see, for the period 1 August 2010 to 31 July 2011, Report of the International Court of Justice, *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 4 (A/66/4)*. At the time of publication, the report covering the period 1 August 2011 to 31 July 2012 was forthcoming.

3. Pending cases and proceedings as at 31 December 2011

- (i) *Request for interpretation of the Judgment of 15 June 1962 in the case concerning the Temple of Preah Vihear (Cambodia v. Thailand) (Cambodia v. Thailand) (2011-)*.
- (ii) *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua) (2010-)*.
- (iii) *Frontier Dispute (Burkina Faso/Niger) (2010-)*.
- (iv) *Whaling in the Antarctic (Australia v. Japan) (2010-)*.
- (v) *Judgment No. 2867 of the Administrative Tribunal of the International Labour Organization upon a Complaint Filed against the International Fund for Agricultural Development (Request for Advisory Opinion) (2010-)*.
- (vi) *Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal) (2009-)*.
- (vii) *Aerial Herbicide Spraying (Ecuador v. Colombia) (2008-)*.
- (viii) *Jurisdictional Immunities of the State (Germany v. Italy: Greece Intervening) (2008-)*.
- (ix) *Maritime Dispute (Peru v. Chile) (2008-)*.
- (x) *Territorial and Maritime dispute (Nicaragua v. Colombia) (2001-)*.
- (xi) *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia) (1999-)*.
- (xii) *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) (1999-)*.
- (xiii) *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo) (1998-)*.
- (xiv) *Gabčíkovo-Nagymaros Project (Hungary v. Slovakia) (1993-)*.

B. INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA²

The International Tribunal for the Law of the Sea is an independent permanent tribunal established by the United Nations Convention on the Law of the Sea, 1982.³ The Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea,⁴ signed by the Secretary-General of the United Nations and the President of the Tribunal on 18 December 1997, establishes a mechanism for cooperation between the two institutions.

² For more information about the Tribunal's activities, including relating to orders rendered in 2011, see the Annual report of the International Tribunal for the Law of the Sea for 2011 (SPLOS/241) and the Tribunal's website at www.itlos.org.

³ United Nations, *Treaty Series*, vol. 1833, p. 3.

⁴ *Ibid.*, vol. 2000, p. 468.

1. Judgments

No judgments were delivered by the Tribunal in 2011. On 1 February 2011, the Tribunal delivered an advisory opinion in *Case No. 17—Responsibilities and obligations of States sponsoring persons and entities with respect to activities in the Area (Request for Advisory Opinion submitted to the Seabed Disputes Chamber)*.

2. Pending cases and proceedings as at 31 December 2011

- (i) *Case No. 19—The M/V “Virginia G” Case (Panama/Guinea-Bissau) (2011-)*.
- (ii) *Case No. 18—The M/V “Louisa” Case (Saint Vincent and the Grenadines v. Spain) (2010-)*.
- (iii) *Case No. 16—Dispute concerning Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar) (2009-)*.

C. INTERNATIONAL CRIMINAL COURT⁵

The International Criminal Court (ICC) is an independent permanent court established by the Rome Statute of the International Criminal Court, 1998.⁶ The Negotiated Relationship Agreement between the International Criminal Court and the United Nations⁷ outlines the relationship between the two institutions.

As of 2011, the Court was investigating seven situations. Three States Parties to the Rome Statute—Uganda, the Democratic Republic of the Congo and the Central African Republic—had referred situations occurring on their territories to the Court. In addition, the situations in Darfur, Sudan, and in Libya, both non-States Parties, were referred to the Court by the United Nations Security Council under article 13 (b) of the Rome Statute. After an analysis of available information, the Prosecutor had opened and is conducting investigations in all of the above-mentioned situations.

On 3 October 2011, Pre-Trial Chamber III granted the Prosecutor’s request for authorization to open investigations *proprio motu* into the situation in Côte d’Ivoire with respect to alleged crimes within the jurisdiction of the Court, committed since 28 November 2010, as well as with regard to crimes that may be committed in the future in the context of this situation.

Furthermore, the Office of the Prosecutor is conducting preliminary examinations in various situations, including in Afghanistan, Colombia, Georgia, Guinea, Republic of Korea, Nigeria, Honduras and Palestine.

⁵ For more information about the Court’s activities, see Report of the International Criminal Court, for the period 1 August 2010 to 31 July 2011 (A/66/309). At the time of publication, the report covering the period 1 August 2011 to 31 July 2012 was forthcoming. See also the Court’s website at <http://www.icc-cpi.int>.

⁶ United Nations, *Treaty Series*, vol. 2187, p. 3.

⁷ See ICC-ASP/3/Res 1. Entered into force on 22 July 2004.

1. Situations under investigation in 2011

(a) The situation in the Democratic Republic of the Congo

The trial in the cases *The Prosecutor v. Thomas Lubanga Dyilo* (ICC-01/04–01/06) and *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* (ICC-01/04–01/07) were ongoing in 2011.

The suspect in *The Prosecutor v. Callixte Mbarushimana* (ICC-01/04–01/10) was transferred to The Hague on 25 January 2011 and a hearing on the confirmation of the charges was held on 16 to 21 September 2011. On 16 December 2011, Pre-Trial Chamber I decided by Majority to decline to confirm the charges against Mr. Mbarushimana and to release him from the custody of the Court, on the completion of the necessary arrangements.

The suspect in the case *The Prosecutor v. Bosco Ntaganda* (ICC-01/04–02/06) remained at large throughout 2011.

(b) The situation in the Central African Republic

The trial in the case *The Prosecutor v. Jean-Pierre Bemba Gombo* (ICC-01/05–01/08) was ongoing in 2011.

(c) The situation in Uganda

The four suspects in the case *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen* (ICC-02/04–01/05) remained at large throughout 2011.

(d) The situation in Darfur, the Sudan

The suspects in the case *The Prosecutor v. Ahmad Muhammad Harun* (“Ahmad Harun”) and *Ali Muhammad Ali Abd-Al-Rahman* (“Ali Kushayb”) (ICC-02/05–01/07) remained at large throughout 2011.

The suspect in *The Prosecutor v. Omar Hassan Ahmad Al Bashir* (ICC-02/05–01/09) also remained at large throughout 2011. On 12 May 2011, Pre-Trial Chamber I issued a decision informing the Security Council and the Assembly of States Parties to the Rome Statute about Omar Al Bashir’s visit to Djibouti, to attend the inauguration ceremony of Djibouti’s President on 8 May 2011, “in order for them to take any measure they may deem appropriate”. The Chamber stressed that Djibouti, as a State Party to the Rome Statute, “has an obligation to cooperate with the Court” in relation to the enforcement of warrants of arrest, and ordered the ICC Registrar to immediately transmit the decision to the Security Council and to the Assembly of States Parties. Previously, pursuant to the Pre-Trial Chamber decisions issuing two warrants of arrest against Omar Al Bashir, the Court’s Registrar had issued and transmitted requests for arrest and surrender of Mr. Al Bashir to all States Parties to the Rome Statute, including Djibouti. Furthermore, on 19 October 2011, Pre-Trial Chamber I issued a decision requesting the Republic of Malawi to submit, no later than 11 November 2011, any observations with regard to the alleged failure by the Republic of Malawi to comply with the cooperation requests issued by the Court for the arrest and surrender of the Sudanese President, Omar Hassan Ahmad Al Bashir.

The Chamber was seized of a Court's Registry's report indicating that various media had reported that Omar Al Bashir had visited the Republic of Malawi on 14 October 2011, and highlighting that the Registrar had sent a *note verbale*, which remained unanswered, to the Embassy of the Republic of Malawi in Brussels on 13 October 2011, reminding the Republic of Malawi of its legal obligations as a State Party to the Rome Statute and asking for its cooperation for the arrest and surrender of Mr. Al Bashir "in the event that the latter would enter Malawi's territory". The Chamber also noted article 87(7) of the Rome Statute providing that "[w]here a State Party fails to comply with a request to cooperate by the Court contrary to the provisions of this Statute [. . .] the Court may make a finding to that effect and refer the matter to the Assembly of States Parties or, where the Security Council referred the matter to the Court, to the Security Council".

On 7 March 2011, Pre-Trial Chamber I unanimously decided to confirm the charges of war crimes brought against the two suspects in the case *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus* (ICC-02/05–03/09). On 16 March 2011, the Presidency of the Court constituted Trial Chamber IV composed of Judges Fatoumata Dembele Diarra, Joyce Aluoch and Silvia Fernandez de Gurmendi and referred this case to the new Trial Chamber.

(e) The situation in Kenya

On 8 March 2011, Pre-Trial Chamber II delivered summonses to appear to the six suspects in *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* (ICC-01/09–01/11) and *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali* (ICC-01/09–02/11). Confirmation of charges hearings were held in the first case from 1 to 8 September 2011 and in the second case from 21 September to 5 October 2011.

(f) The situation in Libya

In resolution 1970 (2011) of 26 February 2011, the Security Council, acting under Chapter VII of the Charter of the United Nations, referred the situation in Libya, since 15 February 2011, to the Prosecutor of the Court. On 3 March 2011, the Prosecutor decided to open an investigation and requested, on 16 May 2011, the issuance of arrest warrants. On 27 June 2011, Pre-Trial Chamber I issued three warrants of arrest for Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdualla Al-Senussi, respectively, for crimes against humanity (murder and persecution) allegedly committed across Libya from 15 February 2011 until at least 28 February 2011, through the State apparatus and Security Forces. Abdullah Al-Senussi remained at large throughout 2011. Saif Al-Islam Gaddafi was arrested in Libya on 19 November 2011. On 6 December 2011, the Pre-Trial Chamber ordered the Libyan authorities to provide it with more information concerning the status of Mr. Gaddafi. The Chamber requested the National Transitional Council of Libya to file their response by 10 January 2012, as well as seeking submissions from the Office of the Prosecutor and the Office of Public Counsel for the Defence.

On 22 November 2011, Pre-Trial Chamber I decided to terminate the case against Muammar Gaddafi. The Prosecution had requested the Judges to withdraw the warrant of arrest issued for Muammar Mohammed Abu Minyar Gaddafi because of the changed

circumstances caused by his death on 20 October 2011. The Chamber recalled that the purpose of criminal proceedings is to determine individual criminal responsibility and that jurisdiction cannot be exercised over a deceased person.

(g) The situation in Côte d'Ivoire

On 20 May 2011, the Presidency of the Court assigned the situation in the Republic of Côte d'Ivoire to Pre-Trial Chamber II following a letter of 19 May 2011, by which the Prosecutor informed the President of the Court of his intention to submit a request to the Pre-Trial Chamber for authorization to open investigations into the situation in Côte d'Ivoire since 28 November 2010. Côte d'Ivoire is not party to the Rome Statute but has accepted and reconfirmed acceptance of the jurisdiction of the Court, under article 12(3) of the Rome Statute, on several occasions. After a preliminary examination, the Prosecutor concluded that there was a reasonable basis to believe that crimes within the jurisdiction of the Court have been committed in Côte d'Ivoire since 28 November 2010, and on 22 June 2011 the Presidency of the Court constituted Pre-Trial Chamber III and assigned the situation in the Republic of Côte d'Ivoire to the Chamber. On 23 June 2011, the Prosecutor filed his "Request for authorization of an investigation pursuant to article 15" (investigations *proprio motu*) in which he requested authorization from the Chamber to commence an investigation into the situation in Côte d'Ivoire in relation to post-election violence in the period following 28 November 2010. The main objective of the proposed investigation was to identify those individuals who bear the greatest responsibility for ordering or facilitating crimes against humanity and war crimes. On 3 October 2011, the Chamber authorized the commencement of the investigation.

2. Judgments

No judgments were delivered by the Trial Chambers or Appeals Chamber in 2011.

D. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA⁸

The International Criminal Tribunal for the former Yugoslavia is a subsidiary body of the United Nations Security Council. The Tribunal was established by Security Council resolution 827 of 25 May 1993.⁹ The Tribunal has commenced all trials, and with Ratko

⁸ The texts of the indictments, decisions and judgements are published in the *Judicial Reports/ Recueils judiciaires* of the International Criminal Tribunal for the former Yugoslavia for each given year. The texts are also available in English and French on the Tribunal's website at www.icty.org. For more information about the Tribunal's activities, see, for the period 1 August 2010 to 31 July 2011, Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/66/210-S/2011/473). At the time of publication, the report covering the period 1 August 2011 to 31 July 2012 was forthcoming.

⁹ The Statute of the Tribunal is annexed to the report of the Secretary-General pursuant to Security Council resolution 808 of 22 February 1993 (S/25704 and Add.1).

Mladić and Goran Hadžić being arrested on 26 May and 20 July 2011, respectively, there are no remaining fugitives.

1. Judgements delivered by the Appeals Chamber

- (i) *Prosecutor v. Florence Hartmann*, Case No. IT-02-54-R77.5-A, Judgement on Allegations of Contempt, 19 July 2011.

2. Judgements delivered by the Trial Chambers

- (i) *Prosecutor v. Kabashi*, Case No. IT-04-84-R77.1, Sentencing Judgement on Allegations of Contempt, 16 September 2011.
- (ii) *Prosecutor v. Momčilo Perišić*, Case No. IT-04-81-T, Judgement, 6 September 2011.
- (iii) *Prosecutor v. Gotovina et al.*, Case No. IT-06-90-T, Judgement, 15 April 2011.
- (iv) *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-T, Judgement, 23 February 2011.

E. INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA¹⁰

The International Criminal Tribunal for Rwanda is a subsidiary body of the United Nations Security Council. The Tribunal was established by Security Council resolution 955 (1994), adopted on 8 November 1994.¹¹

On 28 June 2011, the Referral Chamber designated under rule 11*bis* of the Tribunal's Rules of Procedure and Evidence, referred the case of *The Prosecutor v. Jean Uwinkindi* (Case No. ICTR-2001-75-PT) to the authorities of the Republic of Rwanda, and requested the Registrar to appoint the African Commission on Human and People's Rights as monitor for the trial of the accused in Rwanda under rule 11*bis*(D)(iv).

1. Judgements delivered by the Appeals Chamber

- (i) *Théoneste Bagosora and Anatole Nsengiyumva v. the Prosecutor*, Case No. ICTR-98-41-A, Judgement, 14 December 2011.

¹⁰ The texts of the orders, decisions and judgements are published in the *Recueil des ordonnances, décisions et arrêts/Reports of Orders, Decisions and Judgements* of the International Criminal Tribunal for Rwanda. The texts are also available in English and French in the Tribunal's Judicial Records Database at <http://www.icttr.org>. For more information about the Tribunal's activities, see the annual report to the General Assembly and the Security Council. For the period 1 July 2010 to 30 June 2011, see Sixteenth Annual Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/66/209-S/2011/472). At the time of publication, the report covering the period 1 July 2011 to 30 June 2012 was forthcoming.

¹¹ The Statute of the Tribunal is contained in the annex to the resolution.

- (ii) *Dominique Ntawukulilyayo v. the Prosecutor*, Case No. ICTR-05-82-A, Judgement, 14 December 2011.
- (iii) *Ephrem Setako v. the Prosecutor*, Case No. ICTR-04-81, Judgement, 28 September 2011.
- (iv) *The Prosecutor v. Yussuf Munyakazi*, Case No. ICTR-97-36A, Judgement, 28 September 2011.
- (v) *Tharcisse Muvunyi v. the Prosecutor*, Case No. ICTR-2000-55A-A, Judgement, 1 April 2011.
- (vi) *Tharcisse Renzaho v. the Prosecutor*, Case No. ICTR-97-31-A, Judgement, 1 April 2011.

2. Judgements delivered by the Trial Chambers

- (i) *The Prosecutor v. Eduoard Karemera and Matthieu Ngirumpatse*, Case No. ICTR-98-44-T, 21 December 2011.
- (ii) *The Prosecutor v. Gregoire Ndahimana*, Case No. ICTR-2001-68-T, Judgement, 17 November 2011.
- (iii) *The Prosecutor v. Casimir Bizimungu et al.*, Case No. ICTR-99-50-T, Judgement, 30 September 2011.
- (iv) *The Prosecutor v. Pauline Nyiramasuhuko, Arsène Shalom Ntahobali, Sylvain Nsabimana, Alphonse Nteziryayo, Joseph Kanyabashi and Élie Ndayambaje*, Case No. ICTR-98-42-T, Judgement, 24 June 2011.
- (v) *The Prosecutor v. Augustin Ndindiliyimana, Augustin Bizimungu, François-Xavier Nzuwonemeye, and Innocent Sagahutu*, Case No. ICTR-00-56-T, Judgement, 17 May 2011.
- (vi) *The Prosecutor v. Jean-Baptiste Gatete*, Case No. ICTR-2000-61-T, Judgement, 31 March 2011.

F. SPECIAL COURT FOR SIERRA LEONE¹²

The Special Court for Sierra Leone is an independent court established by the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone.¹³ The Court is mandated to try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996.

¹² The texts of the judgements and decisions are available on the Court's website at <http://www.sc-sl.org>. For more information on the Court's activities, see, for the period June 2010 to May 2011, the Eighth Annual Report of the President of the Special Court. At the time of publication, the Ninth Annual Report, covering the period June 2011 to May 2012, was forthcoming.

¹³ For the text of the Agreement and the Statute of the Special Court dated 16 January 2002, see United Nations, *Treaty Series*, vol. 2178, p. 137.

1. Judgements

No judgements were delivered by the Trial Chambers or the Appeals Chamber of the Special Court for Sierra Leone in 2011.

G. EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA¹⁴

The Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the period of Democratic Kampuchea, signed in Phnom Penh on 6 June 2003,¹⁵ entered into force on 29 April 2005 and established the Extraordinary Chambers in the Courts of Cambodia to prosecute the crimes committed during the period of Democratic Kampuchea.

1. Judgments

No judgments were delivered by the Trial Chamber or the Supreme Court Chamber of the Extraordinary Chambers in the Courts of Cambodia in 2011.

H. SPECIAL TRIBUNAL FOR LEBANON¹⁶

The Special Tribunal for Lebanon was established in 2007 pursuant to the Agreement between the United Nations and the Lebanese Republic on the establishment of a Special Tribunal for Lebanon, dated 22 January and 6 February 2007,¹⁷ and Security Council resolution 1757 (2007) of 30 May 2007. On 8 September 2011, the Trial Chamber convened for the first time. On 21 October 2011, the President of the Tribunal, Judge Antonio Cassese, passed away. Judge Sir David Baragwanath was elected President to replace Judge Antonio Cassese who passed away.

The case of *Ayyash et al.* (STL-11-01) relates to the attack on the former Lebanese Prime Minister Rafiq Hariri and others on 14 February 2005. On 17 January 2011, the Prosecutor submitted an indictment to the Pre-Trial Judge and amended it three times (11 March, 6 May, and 10 June 2011). This indictment was confirmed on 28 June 2011 and the indictment and accompanying arrest warrants were transmitted to the Lebanese authorities on 30 June 2011. The four individuals named in the indictment were: Salim Jamil Ayyash, Mustafa Amine Badreddine, Hussein Hassan Oneissi and Assad Hassan Sabra. On 8 September 2011, the former President of the Special Tribunal for Lebanon, Judge Antonio Cassese, issued an order convening the Trial Chamber for the first time. As

¹⁴ The texts of the decisions of the Extraordinary Chambers in the Courts of Cambodia are available on its website, <http://www.eccc.gov.kh>. For more information on the Court's activities, see, the Yearly Financial and Activity Progress Report as at 31 December 2011 (forthcoming at the time of publication).

¹⁵ United Nations, *Treaty Series*, vol. 2329, p. 117.

¹⁶ For more information about the activities of the Special Tribunal, see the Tribunal's website at <http://www.stl-tsl.org>. See the Second Annual Report covering the period 1 March 2010 to 28 February 2011 (S/2010/159) and the Third Annual Report covering the period 1 March 2011 to 29 February 2012.

¹⁷ United Nations, *Treaty Series*, vol. 2461, p. 257.

the accused in this case remained at large, on 17 October 2011, the Pre-Trial Judge asked the Trial Chamber to determine whether proceedings *in absentia* should be initiated. The Tribunal's rules state that if the accused have not been arrested within 30 calendar days of the public advertisement of an indictment, then the Pre-Trial Judge can request that the Trial Chamber initiate proceedings *in absentia*. On 23 November 2011, the Trial Chamber adjourned pending further written submissions from the Prosecutor, the four Accused, the Defence Office and potential written responses from the Prosecutor-General of Lebanon.

On 19 August 2011, the Tribunal established jurisdiction over three attacks relating to Marwan Hamadeh, George Hawi and Elias El-Murr (STL-11-02).

In *re: Application of El Sayed*, Mr. El Sayed sought the disclosure to him of documents relating to his previous detention in Lebanon as part of the investigation into the 2005 assassination of former Prime Minister Hariri, which were held by the Prosecutor. On 12 May 2011, the Pre-Trial Judge issued a decision requiring the Prosecutor to disclose the statements of certain persons who had been interviewed during the mandate of the United Nations International Independent Investigation Commission (UNIIC). The Prosecutor appealed the decision. On 7 October 2011, the Appeals Chamber found that the statements of certain interviewees must be provided to Mr. El Sayed, as ordered by the Pre-Trial Judge—a short delay being necessary only to consider whether the redactions proposed by the Prosecutor were not inconsistent or incomplete. The Appeals Chamber sent the file back to the Pre-Trial Judge for further consideration.

1. Judgments

No judgments were delivered by the Trial Chamber or the Appeals Chamber of the Special Tribunal in 2011.