



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE TRIAL CHAMBER

Case No.: STL-13-04/I/TC

Before: Judge David Re, Presiding
Judge Janet Nosworthy
Judge Micheline Braidy
Judge Walid Akoum, Alternate Judge

Registrar: Mr. Daryl Mundis

Date: 3 December 2013

Original language: English

Classification: Public

THE PROSECUTOR

v.

HASSAN HABIB MERHI

**SCHEDULING ORDER IN RESPECT OF RULE 106 OF THE RULES OF
PROCEDURE AND EVIDENCE**

Office of the Prosecutor:
Mr. Norman Farrell

The Accused:
Mr. Hassan Habib Merhi

Defence Office:
Mr. François Roux



1. On 25 November 2013, the Pre-Trial Judge issued an order pursuant to Rule 105 *bis* (A) of the Rules of Procedure and Evidence, asking the Trial Chamber to initiate proceedings *in absentia*.¹
2. Before initiating proceedings *in absentia*, the Trial Chamber has to determine whether the requirements of Rule 106 (A) have been met, namely that an accused:
 - (i) has expressly and in writing waived his right to be present at proceedings before the Tribunal;
 - (ii) has not been handed over to the Tribunal by the State authorities concerned within a reasonable time; or
 - (iii) has absconded or otherwise cannot be found and all reasonable steps have been taken to secure his appearance before the Tribunal and to inform him of the charges by the Pre-Trial Judge.
3. The Trial Chamber considers it appropriate, in making its determination under Rule 105 *bis* and 106, to seek written submissions from the Office of the Prosecutor and the accused. As the accused is yet to appoint defence counsel, the Trial Chamber also considers it appropriate to invite the Defence Office to file written submissions.

FOR THESE REASONS, the Trial Chamber:

- (i) Requests the Office of the Prosecutor and Mr. Hassan Habib Merhi to file written submissions; and,
- (ii) Invites the Defence Office to make written submissions,

by **Monday 9 December 2013** as to the application of Rule 106 (A) in proceedings against Mr. Hassan Habib Merhi.

- (iii) Instructs the Registrar to take the necessary steps to notify the accused of the order (in Arabic).

¹ Affaire No. STL-13-04/I/PTJ, Ordonnance de Saisine de la Chambre de Première Instance conformément à l'Article 105 *bis*, paragraphe A) du Règlement de Procédure et de Preuve aux fins de Statuer sur l'Engagement d'une Procédure par Défaut, le 25 novembre 2013.

Done in Arabic, English, and French, the English version being authoritative.
Leidschendam
The Netherlands
3 December 2013

David Re

Judge David Re, Presiding

Janet Nosworthy

Judge Janet Nosworthy

Micheline Braidy

Judge Micheline Braidy

