



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE PRE-TRIAL JUDGE

Case No.: **STL-13-04/I/PTJ**

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

The Registrar: **Mr Daryl Mundis**

Date: **24 December 2013**

Original language: **French**

Classification: **Public**

THE PROSECUTOR
v.
HASSAN HABIB MERHI

**ORDER RELATING TO DISCLOSURE OF THE MATERIAL REFERRED TO IN
RULE 110 (A) OF THE RULES AND OTHER MATERIAL IN THE PROCEEDINGS**

Counsel for Mr Merhi:
Mr Mohamed Aouini

Office of the Prosecutor:
Mr Norman Farrell



1. **CONSIDERING** that on 20 December 2013, the Trial Chamber decided to initiate proceedings *in absentia* in accordance with Article 22 of the Statute and Rule 106 of the Rules against Mr Hassan Habib Merhi (the “Accused”);¹
2. **CONSIDERING** that on 20 December 2013, at the request of the Pre-Trial Judge, in accordance with Rule 105 *bis* (B) of the Rules, the Head of Defence Office proceeded to assign counsel for the *in absentia* proceedings against the Accused;²
3. **CONSIDERING** that Rule 110 (A) of the Rules provides that “the Prosecutor shall make available to the Defence in a language which the accused understands, within thirty days of the initial appearance of an accused, or within any other time-limit prescribed by the Pre-Trial Judge, [...] copies of the supporting material which accompanied the indictment when confirmation was sought [...]”;
4. **CONSIDERING** that Rule 107 of the Rules stipulates that “[t]he rules on pre-trial, trial, and appellate proceedings shall apply *mutatis mutandis* to proceedings *in absentia*”;
5. **CONSIDERING** that, as the *in absentia* proceedings have been initiated in respect of the Accused, the Pre-Trial Judge stipulates, in so far as necessary, that the period for disclosure of all the documents provided for by Rule 110 (A) of the Rules begins, in the case at hand, from the moment the counsel for the Accused have been assigned;
6. **CONSIDERING** that, in order to avoid any unnecessary delay in the proceedings, the evidentiary materials filed in support of the indictment of 5 June 2013 must be disclosed immediately by the Prosecution to the Defence;
7. **CONSIDERING** furthermore that the Prosecutor has stated his intention to seek that the present matter be joined to the *Ayyash et al.* case in accordance with Rule 70 of the Rules

¹ STL, *The Prosecutor v. Merhi*, Case No. STL-13-04/I/TC, Decision to Hold Trial *In Absentia*, 20 December 2013. Any further reference to filings and decisions refers to this case number except where indicated otherwise.

² STL, *The Prosecutor v. Merhi*, Case No. STL-13-04/I/PTJ, Assignment of a Counsel for the *In Absentia* Proceedings held pursuant to Rule 106 of the Rules, 20 December 2013.

and has already taken steps in that regard, in particular by requesting the Pre-Trial Judge to submit the matter to the Trial Chamber on the basis of Rule 89 (E) of the Rules;³

8. **CONSIDERING** that, howsoever the Pre-Trial Judge may decide in that respect and whichever authority may be called upon to rule on the joining of those two cases, it will be seen to be appropriate to allow the Defence to submit its observations on that question;

9. **CONSIDERING** that, as a consequence, in order for the Defence to be able to present its observations on that matter in full knowledge of the facts, it is appropriate that it be apprised as soon and fully as possible of the theory upon which the Prosecution case with regard to the Accused is based and consequently, to have at its disposal the Prosecution pre-trial brief as well as the lists of witnesses the Prosecution intends to call and the exhibits it intends to tender as evidence. Where necessary, those documents may be amended later;

³ STL, *The Prosecutor v. Merhi*, Case No. STL-13-04/I/PTJ, Prosecution Request for Rule 89 (E) Referral of the Matter of Joinder, 18 December 2013.

FOR THESE REASONS,

THE PRE-TRIAL JUDGE,

Pursuant to Rules 77 (E), 107 and 110 (A) of the Rules,

ORDERS the Prosecution to disclose immediately to the Defence all the documents provided for in Rule 110 (A) of the Rules; and

ORDERS the Prosecution to file by 8 January 2014 at the latest, the pre-trial brief as well as the lists of witnesses it intends to call and the exhibits it intends to tender as evidence.

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

Leidschendam, 24 December 2013

[stamp]

[signature]

Daniel Fransen
Pre-Trial Judge

