



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

**THE PRE-TRIAL JUDGE**

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

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

The Registrar: **Mr Daryl Mundis**

Date: **16 January 2014**

Original language: **French**

Classification: **Public**

**THE PROSECUTOR**  
v.  
**HASSAN HABIB MERHI**

**ORDER RELATING TO THE RECLASSIFICATION OF  
THE INDICTMENT AGAINST MR MERHI**

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

**Counsel for Mr Hassan Habib Merhi:**  
Mr Mohamed Aouini



1. **NOTING** the decision relating to the Indictment of 5 June 2013 issued on 31 July 2013 by the Pre-Trial Judge in which Mr Merhi was indicted in connection with the attack of 14 February 2005 against Mr Rafic Hariri and other persons (the “Decision of 31 July 2013”);<sup>1</sup>
2. **NOTING** the Prosecution’s Request<sup>2</sup> to reclassify the Indictment of 5 June 2013 from the category “confidential and *ex parte*” to “confidential” in order to provide the unredacted version to Defence Counsel for Mr Merhi in accordance with the Practice Direction on Filing of Documents before the Special Tribunal for Lebanon;
3. **NOTING** the Trial Chamber decision of 20 December 2013 to initiate proceedings *in absentia* against Mr Merhi;<sup>3</sup>
4. **NOTING** the assignment of a counsel to represent the rights and interests of Mr Merhi on 20 December 2013;<sup>4</sup>
5. **CONSIDERING** that, in the Decision of 31 July 2013, the Pre-Trial Judge on the one hand ordered the Prosecution to file a redacted version of the Indictment of 5 June 2013 in order for it to be served on Mr Merhi in the event of his apprehension and on the other hand, that the unredacted version of the Indictment of 5 June 2013 be served on Mr Merhi at the time of his possible transfer to the Headquarters of the Tribunal;
6. **CONSIDERING** that the Prosecution classified the unredacted version of the Indictment of 5 June 2013 as “confidential and *ex parte*”;
7. **CONSIDERING** that, at the current stage of the proceedings and for the purposes thereof, Defence Counsel for Mr Merhi must be able to have access to the unredacted version of the Indictment of 5 June 2013;
8. **CONSIDERING** that, as a consequence, the Indictment of 5 June 2013 should be reclassified as “confidential” in order to serve it on Defence Counsel for Mr Merhi;

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<sup>1</sup> STL, *The Prosecutor v. Hassan Habib Merhi*, Case No. STL-13-04/I/PTJ, Public Redacted Version of the “Decision Relating to the Examination of the Indictment of 5 June 2013 Issued Against Mr Hassan Habib Merhi” dated 31 July 2013, 11 October 2013.

<sup>2</sup> STL, *The Prosecutor v. Hassan Habib Merhi*, Case No. STL-13-04/PT/PTJ, Prosecution’s Request to Reclassify the Indictment, confidential, 14 January 2014.

<sup>3</sup> STL, *The Prosecutor v. Hassan Habib Merhi*, Case No. STL-13-04/I/TC, Decision to Hold Trial *In Absentia*, 20 December 2013.

<sup>4</sup> STL, *The Prosecutor v. Hassan Habib 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.

**FOR THESE REASONS,**

**PURSUANT** to Rules 74 and 77 (E) of the Rules of Procedure and Evidence,

**THE PRE-TRIAL JUDGE,**

**ORDERS** the reclassification of the Indictment of 5 June 2013 from “confidential and *ex parte*” to “confidential”.

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

Leidschendam, 16 January 2014

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Daniel Fransen  
Pre-Trial Judge

