



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 Fransen**

The Registrar: **Mr Daryl Mundis**

Date: **14 March 2014**

Original language: **French**

Classification: **Public**

THE PROSECUTOR
v.
HASSAN HABIB MERHI

**PUBLIC REDACTED VERSION OF THE “DECISION AUTHORISING THE
WITHDRAWAL OF TWO INTERNAL MEMORANDA FROM SUPPORTING
MATERIALS” DATED 25 JULY 2013**

Office of the Prosecutor:
Mr Norman Farrell



I. The subject of this order

1. By way of this decision, the Pre-Trial Judge grants the Prosecution request of 26 June 2013 in which it seeks leave to withdraw two documents from its supporting materials filed in conjunction with the indictment issued against Hassan Habib Merhi (the “Request”).¹

II. Statement of reasons

2. In the Request, the Prosecution identifies two internal memoranda prepared by staff members of the United Nations International Independent Investigation Commission (UNIIC) in the course of the investigation into the death of former Prime Minister Rafic Hariri, namely:²

a. the UNIIC Memorandum of 22 February 2007 entitled [REDACTED]; and

b. the UNIIC Internal Memorandum entitled [REDACTED].

3. The Prosecution states that those two documents were inadvertently included in the supporting materials to the indictment against Hassan Habib Merhi. It states that it does not intend to rely on those documents and on the information they contain during the proceedings. According to the Prosecution, the information contained in the two documents can be found in other evidentiary sources.³ Furthermore, the Prosecution submits that those documents fall under Rule 111 of the Rules of Procedure and Evidence (the “Rules”).⁴

4. The Pre-Trial Judge considers that the arguments put forward by the Prosecution to justify the withdrawal of the aforementioned documents from the supporting materials are well-founded. Indeed, in accordance with Rule 91 (G) (iii) of the Rules, the Pre-Trial Judge considers that, insofar as the Prosecution does not intend to use those documents, it is in the interest of justice that they be withdrawn from that list.

¹ STL, *The Prosecutor v. Hassan Habib Merhi*, Case No. STL-13-04/I/PTJ, Prosecutor’s Request to Withdraw Two Internal Memoranda from Supporting Materials, confidential and *ex parte*, 26 June 2013.

² Request, para. 3.

³ *Id.*, paras 4-5.

⁴ *Id.*, para. 6.

FOR THESE REASONS,

Pursuant to Rule 77 of the Rules,

THE PRE-TRIAL JUDGE,

DECLARES the Request admissible and well-founded; and

AUTHORISES the withdrawal of the following documents from the Prosecution supporting materials:

- a. the UNIIC Memorandum of 22 February 2007 entitled [REDACTED]; and
- b. the UNIIC Internal Memorandum entitled [REDACTED].

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

Leidschendam, 14 March 2014

[stamp]

[signature]

Daniel Fransen
Pre-Trial Judge

