

**THE TRIAL CHAMBER**

Case No: STL-11-01/T/TC

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

Registrar: Mr Daryl Mundis

Date: 16 December 2015

Original language: English

Classification: Public

**CLARIFICATION IN RELATION TO THE CLASSIFICATIONS OF TWO
DEFENCE FILINGS (F2216 & F2218)**

(Extract from Official Public Transcript of Hearing on 16 December 2015, page 79, line 12 to
page 80, line 17)

To assist it in attributing a Purple telephone to the accused Mr. Hassan Habib Merhi and a mobile telephone allegedly used by his family, the Prosecution, on the 29th of September, 2015, sought to tender, under Rules 154 and 155 of the Special Tribunal's Rules of Procedure and Evidence, evidence regarding the purchase and delivery of household furniture to the residence of Mr. Merhi. That is in filing F2181.

Counsel for Mr. Merhi and Mr. Mustafa Amine Badreddine responded to the Prosecution motion in filings F2216 and F2218.

On the 28th of October, 2015, the Trial Chamber ordered, in an oral decision, the reclassification from confidential to public of both the Badreddine Defence and Merhi Defence responses.

However, having subsequently reflected on the issue of confidentiality in issuing the substantive decision, that is, "Decision on Prosecution motion for the admission of witness statements pursuant to Rule 155 and documents pursuant to Rule 154" filed on the 2nd of

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November, 2015, in filing F2297, the Trial Chamber ordered counsel for Mr. Badreddine and Mr. Merhi to file their responses publicly with any necessary redactions.

This order of the 2nd of November, 2015, supercedes the earlier oral order and is therefore the operative decision in relation to both the Badreddine Defence and Merhi Defence's filings 2216 and 2218, respectively.

The Trial Chamber notes that the Badreddine Defence has already filed a publicly redacted version of its response, and the Trial Chamber now formally orders the reclassification from public to confidential of the original Badreddine Defence response, that is filing 2218.

The Trial Chamber similarly orders that the response filed by the Merhi Defence, as per the Chamber's order of the 28th of October, 2015, and -- that the Merhi Defence instead files a publicly redacted version of its response, that is filing 2216.

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