



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE TRIAL CHAMBER**SPECIAL TRIBUNAL FOR LEBANON**

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: 29 January 2018

Original language: English

Classification: Public

THE PROSECUTOR

v.

**SALIM JAMIL AYYASH
HASSAN HABIB MERHI
HUSSEIN HASSAN ONEISSI
ASSAD HASSAN SABRA**

ORDER TO MERHI DEFENCE TO PROVIDE INFORMATION ON PROGRESS OF ITS INVESTIGATIONS

Office of the Prosecutor:

Mr Norman Farrell & Mr Alexander Hugh Milne

Legal Representatives of Participating Victims:

Mr Peter Haynes, Mr Mohammad F. Mattar & Ms Nada Abdelsater-Abusamra

Counsel for Mr Salim Jamil Ayyash:

Mr Emile Aoun, Mr Thomas Hannis & Mr Chad Mair

Counsel for Mr Hassan Habib Merhi:

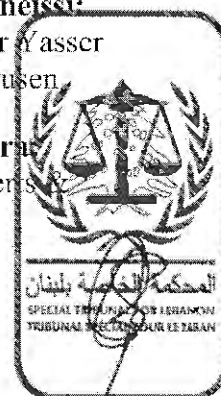
Mr Mohamed Aouini, Ms Dorothée Le Fraper du Hellen & Mr Jad Youssef Khalil

Counsel for Mr Hussein Hassan Oneissi:

Mr Vincent Courcelle-Labrousse, Mr Yasser Hassan & Ms Natalie von Wistinghausen

Counsel for Mr Assad Hassan Sabra:

Mr David Young, Mr Geoffrey Roberts & Ms Sarah Bafadhel



1. During a court session on Friday 26 January 2018, counsel for the Accused, Mr Hassan Habib Merhi, sought a period of between one and four months to complete investigations that should already have been in train for at least two months.¹ The effect of this, if granted, would be to postpone the completion of the Prosecution's case for at least that time. The Prosecution opposed the application, suggesting that 'maybe a bit more than a week' might be justified, while the Legal Representative of Victims suggested that around two weeks may suffice.²

2. The Trial Chamber is of the preliminary view that the period sought is excessive. To justify any adjournment of evidence, much less one of this length, a Party must demonstrate to a chamber both that it has exercised due diligence and any prejudice that will occur if the adjournment is not granted.

3. To assist it in assessing these two factors, the Trial Chamber requires further and better information from the Merhi Defence. Specifically, counsel for Mr Merhi submitted that they have seven outstanding requests for assistance sent to Lebanon.³ An email from the Merhi Defence to the Trial Chamber's legal officer states that eight requests sent between 13 November 2017 and 24 January 2018 await a response.⁴

4. The Trial Chamber therefore orders counsel for Mr Merhi to file a first progress report by the close of business on **Thursday 1 February 2018** and an updated progress report by the close of business on **Wednesday 7 February 2018**. These may be filed *ex parte*. The report must fully inform the Trial Chamber about the extent and progress of any Defence investigations, including the nature of the requests for assistance.

¹ STL-11-01/T/TC, *Prosecutor v. Ayyash, Merhi, Oneissi and Sabra*, provisional transcript of 26 January 2018, pp 101-103.

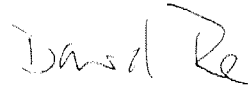
² Transcript of 26 January 2018, pp 103-105.

³ Transcript of 26 January 2018, pp 99-101.

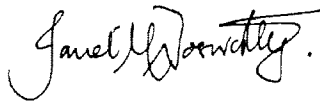
⁴ Email from the Merhi Defence to the Trial Chamber's legal officer, 29 January 2018, 11:08, as requested by email from the Trial Chamber's legal officer, 26 January 2018, 18:52.

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

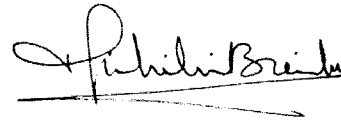
Leidschendam,
The Netherlands
29 January 2018



Judge David Re, Presiding



Judge Janet Nosworthy



Judge Micheline Braidy

