

**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:** 7 February 2018

**Original language:** English

**Classification:** Public

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**DECISION DENYING THE ADMISSION INTO EVIDENCE OF EXHIBIT 3D427  
MARKED FOR IDENTIFICATION**

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(Extract from Official Public Transcript of Hearing on 7 February 2017, page 66, line 7 to  
page 66, line 24)

In relation to MFI 3D427, which purports to be information from the secretariat of the commercial Register in El-Beqaa in Lebanon as to the business registration of a business registered to Mr. Habib Merhi, dated the 29th of September 2011, the document may have some relevance to the Defence of Mr. Merhi, Hassan Habib Merhi. But for it to be admitted into evidence, it has to be both relevant and have some probative value under Rule 149(C). For it to have some probative value, the Chamber must be satisfied of its prima facie reliability. This document is of unknown provenance, it doesn't appear to have originated from the commercial register but appears to be some hearsay information on a piece of paper provided to someone and to the court of appeal. Perhaps in El-Beqaa. And thereafter, to the prosecutor-general in Lebanon, and then to the Special Tribunal. The Chamber can't be satisfied in these circumstances of its reliability and hence that it has probative value, so the Chamber won't accept the document into evidence. But, of course, is prepared to revisit the decision if the Merhi Defence can provide better evidence as to its provenance.

Interpretation serves to facilitate communication.  
Only the original speech is authentic.