



المحكمة الخاصة بلبنان
SPECIAL TRIBUNAL FOR LEBANON
TRIBUNAL SPÉCIAL POUR LE LIBAN

Hassan Habib Merhi

Ayyash et al.

(Case number STL-11-01)



CASE INFORMATION SHEET

Charges (as set out in the indictment)

- Conspiracy aimed at committing a terrorist act;
- Being an accomplice to the felony of committing a terrorist act by means of an explosive device;
- Being an accomplice to the felony of intentional homicide of Rafik Hariri with premeditation by using explosive materials;
- Being an accomplice to the felony of intentional homicide of 21 other persons with premeditation by using explosive materials;
- Being an accomplice to the felony of attempted intentional homicide of 226 persons with premeditation by using explosive materials.

On 18 August 2020, the Trial Chamber pronounced its Trial Judgment in the Ayyash et al. case. The Trial Chamber unanimously found Salim Jamil Ayyash guilty beyond reasonable doubt on all charges against him in the amended consolidated indictment and further found Hassan Habib Merhi, Hussein Hassan Oneissi and Assad Hassan Sabra not guilty of all the counts charged against them.

Biographical information (as set out in the indictment)

Date of birth	12 December 1965
Place of birth	Beirut, Lebanon
Nationality	Lebanese
Confirmation of the indictment	31 July 2013
Arrest warrant	Delivered sealed to the Lebanese authorities on 6 August 2013 and 31 October 2016. International arrest warrants were issued on 31 July 2013 and on 11 October 2016. On 18 August 2020, the Trial Chamber issued an order annulling the arrest warrant, international arrest warrant, orders and requests for the transfer and detention of Mr Merhi.
Current situation	On 18 August 2020, the Trial Chamber pronounced its Trial Judgment in the Ayyash et al. case and found Mr Merhi not guilty of all counts charged against him in the amended consolidated indictment. On 12 January 2021, the Prosecution and the Ayyash Defence filed a notice of Appeal against the Trial Judgment.
Commencement of trial in the Ayyash et al. case	16 January 2014
Joinder to the Ayyash et al. case	11 February 2014
Commencement of trial	18 June 2014

Alleged criminal acts

The amended consolidated indictment states that the former Lebanese Prime Minister Rafik Hariri was assassinated on 14 February 2005, at 12:55 on Rue Minet el Hos'n in Beirut as a result of a terrorist act in

which a suicide bomber detonated a large quantity of high explosives concealed in a van. In addition to killing Rafik Hariri, the explosion killed 21 other persons and injured 226.

It alleges that Hassan Habib Merhi participated in a conspiracy with others aimed at committing a terrorist act to assassinate Rafik Hariri. Mr Merhi was accused of having coordinated, together with former Accused Mustafa Amine Badreddine (reportedly deceased), the preparation of the false claim of responsibility, and, at times, to have been in contact with Salim Jamil Ayyash in relation to the preparations for the 14 February 2005 attack. Additionally, prior to the attack, Mr Merhi was alleged to

have coordinated the activities of Hussein Hassan Oneissi and Assad Hassan Sabra in order to identify a suitable individual, who was later identified as Ahmad Abu Adass, to make a video-taped false claim of responsibility for the attack. Immediately following the attack, Mr Merhi was alleged to have coordinated the activities of Mr Oneissi and Mr Sabra to ensure the delivery of the video to the Al-Jazeera office in Beirut, and its broadcast.

Key judicial developments

16 February 2011 — The Appeals Chamber renders its interlocutory decision on the applicable law interpreting, inter alia, terrorism, conspiracy and modes of liability under international and Lebanese law.

28 June 2011 — The Pre-Trial Judge confirms the indictment submitted by the Prosecutor on 17 January 2011 against Mr Ayyash, Mr Badreddine, Mr Oneissi and Mr Sabra.

12 July 2011 — The Victims' Participation Unit opens applications for victims to participate in the *Ayyash et al.* proceedings.

1 February 2012 — The Trial Chamber decides to try the four Accused in the *Ayyash et al.* case in absentia.

24 October 2012 — The Appeals Chamber dismisses the Defence appeals against the Trial Chamber decision upholding the jurisdiction and legality of the Tribunal.

31 July 2013 — The Pre-Trial Judge confirms a sealed indictment submitted by the Prosecutor (on 5 June 2013) against Mr Merhi. The indictment is made available in a public redacted form in October 2013.

20 December 2013 — The Trial Chamber issues a decision to try Mr Merhi in absentia.

20 December 2013 — The Head of the Defence Office assigns Defence counsel to represent the interests and rights of Mr Merhi.

30 December 2013 — The Prosecution files an application to the Trial Chamber in the *Ayyash et al.* case to join the two cases.

16 January 2014 — The *Ayyash et al.* trial starts.

11 February 2014 — The Trial Chamber joins the case against Hassan Habib Merhi to the *Ayyash et al.* proceedings.

10 March 2014 — The Prosecutor files a consolidated indictment, dated 7 March 2014, against Mr Ayyash, Mr Badreddine, Mr Merhi, Mr Oneissi and Sabra.

18 June 2014 — The *Ayyash et al.* trial resumes after it was adjourned upon the request of the Merhi Defence.

28 July 2015 — The Appeals Chamber confirms a Trial Chamber decision that call data records from Lebanese telecommunications companies were legally transferred to the Prosecutor and could be proposed for admission into evidence.

12 July 2016 — The Prosecutor files an amended consolidated indictment removing Mustafa Amine Badreddine from the list of Accused and naming him a co-conspirator.

On 11 July 2016, the Appeals Chamber—by majority—determined that there was sufficient evidence to conclude that Mr Badreddine had died, and it directed the Trial Chamber to the proceedings against Mr Badreddine, without prejudice to resume the proceedings, if evidence that he was alive was adduced in the future. The Trial Chamber terminated the proceedings against Mr Badreddine without prejudice on the same day.

28 August 2017 — The victims' case begins, allowing victims' views and concerns to be presented to the Trial Chamber by their Legal Representatives. The case continues through 8 September 2017.

7 February 2018 — The Prosecution completes the presentation of its evidence marking the conclusion of the Prosecution case.

20-22 February 2018 — The Trial Chamber hears oral submissions from Defence counsel for Mr Oneissi under Rule 167 of the Rules of Procedure and Evidence (RPE) entitled "Judgement of Acquittal at the Close of the Prosecution Case", and the response of the Prosecution. The Oneissi Defence was the only Defence to make submissions under Rule 167.

7 March 2018 — The Trial Chamber finds that the Prosecution had provided sufficient evidence upon which it could convict Mr Oneissi and thus dismisses the Oneissi Defence's application under Rule 167.

4 May 2018 — A Panel consisting of Judge David Baragwanath (Presiding), Judge Afif Chamseddine and Judge Daniel David Ntanda Nsereko dismisses in its entirety the motion filed under Rule 25 by Defence counsel for Mr Oneissi for the disqualification and withdrawal of the Trial Chamber Judges, Presiding Judge David Re, Judge Janet Nosworthy, and Judge Micheline Braidy.

14 May 2018 — The Defence case for Mr Oneissi begins. The Oneissi Defence called two witnesses who testified on 14 and 15 May, and 5, 6 and 7 June 2018, and tendered documents for admission into evidence.

28 June 2018 — The presentation of evidence concludes.

16 July 2018 — The Prosecutor and the Legal Representatives of Victims file their final trial briefs.

13 August 2018 — The Ayyash, Oneissi and Sabra Defence file their final trial briefs.

18 August 2018 — The Merhi Defence files its final trial brief.

11-21 September 2018 — The Trial Chamber hears closing arguments by the Prosecution, the Legal Representa-

tives of Victims and the Defence of the four Accused. The trial hearings conclude and the judges withdraw to deliberate whether the Prosecution has proved its case beyond reasonable doubt.

18 August 2020 — The Trial Chamber pronounces the Trial Judgment in the *Ayyash et al.* case. The Judges unanimously find Mr Ayyash guilty beyond reasonable doubt as a co-perpetrator of conspiracy aimed at committing a terrorist act, committing a terrorist act by means of an explosive device, intentional homicide of Mr Rafik Hariri with premeditation by using explosive materials, intentional homicide of additional 21 persons with premeditation by using explosive materials and attempted intentional homicide of 226 persons with premeditation by using explosive materials. It finds Mr Merhi, Mr Oneissi and Mr Sabra not guilty of all the counts charged against them in the amended consolidated indictment.

12 January 2021 — The Prosecution and the Defence Counsel for Mr Ayyash file notices of Appeal against the Trial Judgment of 18 August 2020. The filing of the notices

of Appeal marks the beginning of the Appeals phase in the *Ayyash et al.* case.

24 February 2021 — The Appeals Chamber dismisses the LRV Notice of Appeal against the Sentencing Judgment as inadmissible. The Appeals Chamber authorizes the participating victims to participate in the appellate proceedings for the purpose of expressing their views and concerns on issues affecting their personal interests.

29 March 2021 — The Prosecution submitted the Appeal Brief comprising eight grounds of appeal, all built towards finding Mr Merhi and Mr Oneissi guilty of counts 1 and 6-9 of the amended consolidated indictment.

The work of the STL is divided into four phases: investigation and indictment, pre-trial, trial and sentencing, and appeal. An overview of these procedural stages is available on the STL website:

www.stl-tsl.org/en/about-the-stl/the-four-phases

TERRORISM

The STL is the first tribunal of an international character to deal with terrorism as a distinct crime committed outside the context of an armed conflict. The Tribunal was established by UN Security Council Resolution 1757 (2007), which reaffirmed that the attack of 14 February 2005 and its implications constituted a “threat to international peace and security”. In its decision of 16 February 2011 on the law to be applied

by the Tribunal, the STL’s Appeals Chamber clarified that the Tribunal applies Lebanese domestic law – including the crime of terrorism stipulated in Article 314 of the Lebanese Criminal Code – in consonance with international conventional and customary law. The Appeals Chamber’s decision also defined terrorism as a crime under customary international law for the first time.

Composition of the Trial Chamber

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

Composition of the Appeals Chamber

Judge Ivana Hrdličková, *Presiding Judge*
 Judge Ralph Riachi
 Judge David Baragwanath
 Judge Afif Chamseddine
 Judge Daniel Nseroko

Representation of the Office of the Prosecutor

Mr Norman Farrell, *Prosecutor*
 Ms Joyce Tabet, *Deputy Prosecutor*
 Mr Nigel Povoas, *Senior Trial Counsel*

Defence Counsel for Hassan Habib Merhi

Mr Mohamed Aouini, *Lead Counsel*
 Mr Jad Youssef Khalil, *Co-Counsel*

Defence Office

Ms Dorothée Le Fraper du Hellen, *Head of the Defence Office*
 Ms Héleyn Uñac, *Deputy Head of the Defence Office*

Representation of the Registry

Mr David Tolbert, *Registrar*
 Mr Martin Petrov, *Deputy Registrar*

Legal Representatives of the Victims

Mr Peter Haynes, *Lead Legal Representative*
 Mr Mohammad Mattar, *Co-legal Representative*
 Ms Nada Abdelsater-Abusamra, *Co-legal Representative*

The biographies of STL senior officers are available on the Tribunal’s website:

www.stl-tsl.org/en/about-the-stl/biographies

Last updated March 2021