



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



STL *Close-up*

The Special Tribunal for Lebanon (STL) is the first tribunal of international character to have jurisdiction over the crime of terrorism in times of peace. It was established by United Nations (UN) Security Council Resolution 1757, which was adopted on 30 May 2007. The STL began its work on 1 March 2009.

Mandate

The primary mandate of the Tribunal is to hold trials for the people accused of carrying out the attack of 14 February 2005 in Beirut which killed 22 people, including the former Lebanese Prime Minister Rafiq Hariri, and injured many others. The Tribunal also has jurisdiction over:

- attacks carried out in Lebanon between 1 October 2004 and 12 December 2005 if they are connected with the attack of 14 February 2005 and are of a similar nature and gravity;
- crimes carried out on any later date, decided by the parties and with the consent of the UN Security Council, if they are connected to the 14 February 2005 attack.

History and establishment

Following the attack on 14 February 2005, the UN Secretary-General sent a fact-finding mission to Beirut in March 2005 to enquire into the circumstances, causes and consequences of the attack.

UNIIC

The UN International Independent Investigation Commission (UNIIC) was established by UN Security Council Resolution 1595 in April 2005 in order to assist the Lebanese authorities in conducting their investigations into the 14 February 2005 attack and other attacks. The UNIIC was an entirely separate body which, unlike the STL, had no role in prosecutions or trials. The UNIIC's mandate ended on 28 February 2009; the information it had gathered was handed over to the Office of the Prosecutor at the STL.

The group, led by Peter Fitzgerald, recommended the establishment of an independent international investigation into the attack; subsequently, the UN Security Council established the UNIIC in April 2005 by Resolution 1595. On 13 December 2005, following a series of other killings and bombings in Lebanon, the Lebanese

government requested the UN to establish a tribunal of international character to try all those who are found responsible for the attack of 14 February 2005 and other attacks. On 23 January 2007, the UN and the Lebanese government signed an agreement on the establishment of the STL, which was not ratified by the Lebanese parliament. Referring to the letter of the Lebanese Prime Minister to the UN Secretary-General, which recalled that the parliamentary majority expressed its support for the Tribunal, the UN brought the provisions of the agreement into force through UN Security Council Resolution 1757. Guided by considerations such as fairness and justice, administrative efficiency and security, the STL opened on 1 March 2009 in Leidschendam, near The Hague, Netherlands. It also has an office in Beirut and a Liaison Office in New York.

Jurisdiction

The STL applies provisions of the Lebanese Criminal Code (LCC) consistent with the highest standards of international criminal procedure, including the prosecution and punishment of acts of terrorism and crimes and offences against life and personal integrity. A convicted person may be given a maximum sentence of life imprisonment; unlike under Lebanese law, there is no death penalty at the STL.

A terrorism trial

The STL is the first tribunal of its kind to deal with terrorism as a distinct crime, which has been described by UN Security Council Resolution 1757 as a “threat to international peace and security”. The STL applies the Lebanese legal definition of terrorism, of which an element is the use of means that are “liable to create a public danger” (Art. 314 of LCC), such as explosive devices, inflammable materials, toxic or corrosive products and infectious or microbial agents. The STL Appeals Chamber ruled on 16 February 2011 that the list of means is

illustrative, rather than exhaustive. It also defined terrorism as an international crime for the first time.

Trials in absentia

A trial *in absentia* occurs when the accused is not participating in or present for the proceedings. In accordance with Lebanese law and that of other states with a civil law tradition, the STL Statute and the Rules of Procedure and Evidence allow trials *in absentia* under strict conditions:

- if the accused has waived his right to be present;
- if the accused has not been handed over to the Tribunal by the State authorities concerned;
- if he has fled or cannot be found.

An absent accused must be represented by a defence counsel before the Tribunal; the Defence Office will assign counsel to any accused who fails to appoint one. An absent accused who later on appears before the Tribunal has guaranteed rights including the right to request a retrial.

 The **Procedure of the Special Tribunal for Lebanon – A Snapshot** provides an overview of the procedure at the STL, highlighting its specific features. The Snapshot can be found on the Tribunal's website: www.stl-tsl.org/en/about-the-stl/the-four-phases.

The participation of victims

Victims who have suffered harm as a direct result of the attacks may participate in the proceedings to present their views and concerns. The Statute does not allow them to seek compensation at the STL; once the case is concluded, they are free to use the judgment issued by the STL to pursue their claims through national courts. Victims can become involved once the investigation phase is over and an indictment has been confirmed. The Victims' Participation Unit within the Registry provides the victim participating in the proceedings or his legal representative with all necessary material or legal assistance required.

Financing

Fifty-one per cent of the STL's budget is financed through voluntary contributions from States, while the remaining forty-nine per cent is paid by the Lebanese government. The STL is not a UN institution, and is not funded from the regular UN budget.

Structure of the STL

The STL is a hybrid, or internationalised, court, which is composed of both Lebanese and international judges and staff. The Tribunal has four organs: the Chambers, the Office of the Prosecutor, the Defence Office and the Registry.

Chambers

This organ comprises three distinct chambers: a Pre-Trial Chamber of one international judge, a Trial Chamber of three judges (one Lebanese and two international, plus two alternate judges, one of whom is Lebanese and the other international), and an Appeals Chamber of five judges (two Lebanese and three international). The Presiding Judge of the Appeals Chamber, *Judge David Baragwanath*, is the President of the Tribunal. In the President's absence his duties are fulfilled by the Vice-President, *Judge Ralph Riachi*.

- The Pre-Trial Judge has wide-ranging powers for the preparation of a fair and expeditious trial. He is not a member of the Trial Chamber, but has an important role earlier in the legal process. Amongst other things, he reviews and confirms indictments, issues arrest warrants and transfer requests, and rules on the disclosure of information. In exceptional circumstances, he can gather evidence which, without his intervention, could not be obtained. The STL Pre-Trial Judge is *Daniel Fransen*.

Office of the Prosecutor (OTP)

The Office of the Prosecutor investigates and prosecutes the persons responsible for the crimes falling within the Tribunal's jurisdiction. The OTP is led by an international Prosecutor, who is assisted by a Lebanese Deputy Prosecutor, as well as lawyers, investigators, forensic experts and analysts. The Prosecutor's decisions to investigate, file indictments, prosecute or file appeals are based on sound legal criteria and the evidence available. The STL Prosecutor is *Norman Farrell*.

Defence Office

The STL is the first tribunal of its kind to have an independent Defence Office, which is responsible for protecting and promoting the rights of suspects, accused and their counsel, thus ensuring the highest standards of fairness in the proceedings before the Tribunal. The Defence Office does not represent, or take instructions from, any suspect or accused. The Head of the STL Defence Office is *François Roux*.

- An independent defence counsel, appointed from the list of counsels main-

tained by the Defence Office, represents the accused before the STL.

Registry

The Registry is responsible for the administration of the Tribunal. It is led by the Registrar, who has an external liaison and diplomatic function, besides preparing the Tribunal's budget and securing the necessary funds. Amongst other things, the Registrar oversees the Victims and Witnesses Unit, the Victims' Participation Unit, the Court Management Services Section and the Language Services Section, which provides interpretation and translation in the Tribunal's three official languages – English, Arabic and French. The Registrar also supervises the Safety and Security Section and the Detention Facility of the Tribunal in the Netherlands. Through the Public Information and Communications Section, the Registry fosters public understanding of the Tribunal and its work. The STL Registrar is *Daryl A. Mundis*.

Learn more about the STL judges and senior officers on the STL website:
www.stl-tsl.org/en/about-the-stl/biographies

