


**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**THE GOVERNMENT OF THE REPUBLIC OF LEBANON**  
**AND**  
**THE SPECIAL TRIBUNAL FOR LEBANON**  
**CONCERNING THE OFFICE OF THE SPECIAL TRIBUNAL**  
**IN LEBANON**

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The Government of the Republic of Lebanon and the Special Tribunal for Lebanon,

RECALLING Security Council resolutions 1595 (2005) of 7 April 2005, 1636 (2005) of 31 October 2005, 1644 (2005) of 15 December 2005, 1664 (2006) of 29 March 2006 and 1748 (2007) of 27 March 2007;

MINDFUL of the demand of the Lebanese people that all those responsible for the attack that killed former Lebanese Prime Minister Rafiq Hariri and others be identified and brought to justice;

REFERRING to Security Council resolution 1757 (2007) adopted on 30 May 2007;

REFERRING to the document annexed to Security Council resolution 1757 (2007), entitled "Agreement between the United Nations and the Lebanese Republic on the establishment of a Special Tribunal for Lebanon";

RECALLING that the Security Council, acting under Chapter VII of the Charter of the United Nations, decided that the provisions of the document annexed to Security Council resolution 1757 (2007) shall enter into force on 10 June 2007;

RECALLING article 8, paragraph 3 of the document annexed to Security Council resolution 1757 (2007) providing for the creation of an Office of the Special Tribunal in Lebanon for the conduct of investigations subject to the conclusion of appropriate arrangements with The Government;

AFFIRMING the need for the establishment of an Office of the Special Tribunal in Lebanon for carrying out activities on behalf of the Special Tribunal, including the conduct of outreach to the local community;

RECALLING articles 9 to 15 of the document annexed to Security Council resolution 1757 (2007) setting out further details concerning the Office of the Special Tribunal in Lebanon;

In order to facilitate the mandate and functioning of the Office of the Special Tribunal in Lebanon, have agreed as follows:


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## Article 1

### Definitions

For the purposes of this Memorandum of Understanding:

- a- "Annex" means the document annexed to Security Council resolution 1757 (2007), entitled "Agreement between the United Nations and the Lebanese Republic on the establishment of a Special Tribunal for Lebanon";
- b- "Defence Counsel" means a person representing or eligible to represent a suspect or accused pursuant to the Rules of Procedure and Evidence;
- c- "Deputy Prosecutor" means the Deputy Prosecutor appointed pursuant to article 3 of the Annex;
- d- "Government" means the Government of the Republic of Lebanon;
- e- "Head of the Defence Office" means the Head of the Defence Office appointed pursuant to article 13 of the Statute;
- f- "international personnel" means internationally recruited staff members of the Special Tribunal assigned to the Office;
- g- "judges" means the judges appointed pursuant to article 2 of the Annex;
- h- "Lebanese personnel" means locally recruited staff members of the Special Tribunal assigned to the Office;
- i- "MoU" means the present Memorandum of Understanding;
- j- "Office" means the Office of the Special Tribunal in Lebanon;
- k- "Office Administrator" means the person appointed by the Registrar and authorized to act on his or her behalf in Lebanon;
- l- "Parties" means the Government of the Republic of Lebanon and the Special Tribunal for Lebanon jointly;
- m- "premises" means the building, parts of buildings and areas, including installations and facilities made available to, maintained, occupied or used by the Office;
- n- "President of the Special Tribunal" means the President of the Special Tribunal elected pursuant to article 8 of the Statute;
- o- "Prosecutor" means the Prosecutor appointed pursuant to article 3 of the Annex;
- p- "Registrar" means the Registrar appointed pursuant to article 4 of the Annex;
- q- "Rules of Procedure and Evidence" means the Rules of Procedure and Evidence adopted pursuant to article 28 of the Statute;
- r- "Special Tribunal" means the Special Tribunal for Lebanon;



- s- "Statute" means the Statute of the Special Tribunal for Lebanon attached to the Annex;

## **Article 2**

### **Establishment of the Office**

- 1- There is hereby established an Office for the conduct of investigations and any other activities on behalf of the Special Tribunal. The Office shall be subject to the provisions of the present MoU.
- 2- The Location of the premises shall be jointly agreed upon by the Parties and shall be suitable for the work of the Office.
- 3- The Office shall be financed by the Special Tribunal.

## **Article 3**

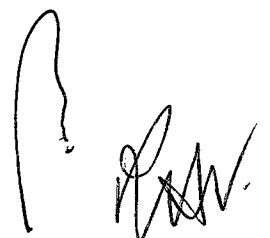
### **Juridical personality**

- 1- The Special Tribunal shall possess full juridical capacity in Lebanon. In particular, this shall include the capacity:
  - a- To contract;
  - b- To acquire and dispose of movable and immovable property;
  - c- To institute legal proceedings; and
  - d- To enter into agreements as may be necessary for exercise of its functions.
- 2- For the foregoing purposes, the Special Tribunal shall be represented by the Office Administrator.

## **Article 4**

### **Cooperation and freedom from interference**

The Government shall ensure that the Office is free from interference in the performance of its functions, including in the conduct of investigations. The Government shall cooperate with the Office and provide all assistance as may be



necessary to carry out its functions. The Government shall comply promptly with any requests for assistance.

## **Article 5**

### **Freedom of movement of persons and property**

- 1- The Government shall ensure the unrestricted freedom of entry into, exit from and movement within its territory of persons referred to in this MoU. Visas, entry or exit permits, where required, shall be granted free of charge and as promptly as possible.
- 2- The Government shall ensure the unrestricted freedom of entry into, exit from and movement within its territory of property, supplies and other equipment belonging to or in possession of the Office. The Office shall have the right to make arrangements for the transfer in and out of the country of all information collected in connection with its investigations.
- 3- The provisions outlined in paragraph 1 above do not exclude the presentation by the Government of well-founded objections concerning a particular individual. Such objections, however, must relate to specific criminal or security related matters and not to nationality, religion, professional or political affiliation.

## **Article 6**

### **Access to sites, persons and documents**

The Government shall facilitate access to sites, persons and relevant documents required for investigations.

## **Article 7**

### **Funds, assets and other property**

- 1- The Office, its funds, assets and other property, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process, except where the Special Tribunal has expressly waived such immunity. It is understood that no waiver of immunity shall extend to any measure of execution.

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- 2- The property, funds or assets of the Office, wherever located and by whomsoever held, shall be immune from search, seizure, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.
- 3- The Office undertakes to fulfill all contractual obligations and to pay all debts in a timely manner.

#### **Article 8**

##### **Exemption from taxes and duties**

The Office, its assets, income and other property shall enjoy the same exemption from taxes and duties, and from prohibitions and restrictions on imports and exports, as are accorded to the United Nations system organizations operating in Lebanon.

#### **Article 9**

##### **Inviolability of archives and documents**

The archives of the Office, and in general all documents and materials belonging to, used or held by it, wherever located and by whomsoever held, shall be inviolable.

#### **Article 10**

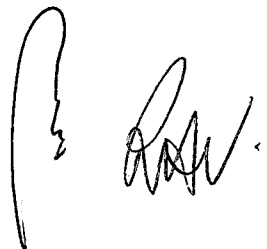
##### **Freedom of financial assets from restrictions**

Without being restricted by financial controls, regulations or moratoria of any kind,

- a- The Office may hold funds, gold or currency of any kind and operate accounts in any currency; and
- b- The Office shall be free to transfer its funds, gold or currency to or from Lebanon, to or from any other country, or within Lebanon and to convert any currency held by it into any other currency.

#### **Article 11**

##### **Law and authority on the premises**

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The premises shall be under the control and authority of the Office. Except as otherwise provided herein, the laws and regulations of Lebanon shall apply on the premises.

## **Article 12**

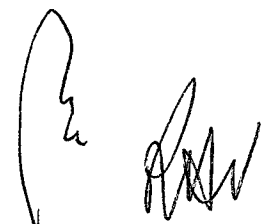
### **Inviolability of the premises**

- 1- The Office shall be inviolable, and the competent authorities shall take all necessary action to ensure that the Office is not deprived of all or part of its premises without its express consent.
- 2- The competent authorities shall not enter the premises except upon agreement or at the request of the Office Administrator and under conditions agreed by him or her. In case of fire or other emergency requiring prompt protective action, or in the event that the competent authorities have reasonable cause to believe that such an emergency has occurred or is about to occur on the premises, the consent of the Office Administrator to any necessary entry into the premises shall be presumed if her or she cannot be contacted in time.
- 3- The Office shall prevent its premises from being used as a refuge by persons who are avoiding arrest or the proper administration of justice under any law of Lebanon.

## **Article 13**

### **Public services for the premises**

- 1- The competent authorities shall secure, upon the request of the Office Administrator and under terms and conditions not less favorable than those accorded by the Government to any diplomatic mission, the public services needed by the Office such as, but not limited to, postal, telephone and telegraphic services, electricity, water, gas, sewage, collection of waste, and fire protection.
- 2- In cases where the services referred to in paragraph 1 are made available to the Office by the competent authorities, or where the prices thereof are under their control, the rates for such services shall not exceed the lowest comparable rates accorded to diplomatic missions.

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- 3- In case of *force majeure*, resulting in a complete or partial disruption of the aforementioned services, the Office shall, for the performance of its functions, be accorded the same priority given to essential government agencies and organs of Lebanon.
- 4- Upon request of the competent authorities, the Office Administrator shall make suitable arrangements to enable duly authorized representatives of the appropriate public services to inspect, repair, maintain, reconstruct and relocate utilities, conduits, mains and sewers on the premises of the Office under conditions which shall not unreasonably disturb the carrying out of the functions of the Office. Underground constructions may be undertaken by the competent authorities on the premises only after consultation with the Office Administrator and under conditions which shall not disturb the carrying out of the functions of the Office.

#### **Article 14**

##### **Communications facilities**

The Office shall enjoy the right to communicate without any restrictions by telephone, telegraph, radio, satellite or other means within and outside the territory of Lebanon, including with the seat of the Special Tribunal in the Netherlands. No censorship shall apply to correspondence and other official communications of the Office.

#### **Article 15**

##### **Privileges and immunities of the judges, the Prosecutor, the Deputy Prosecutor, the Registrar and the Head of the Defence Office**

- 1- The judges, the Prosecutor, the Deputy Prosecutor, the Registrar and the Head of the Defence Office, while in Lebanon, shall enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic agents in accordance with the Vienna Convention on Diplomatic Relations of 1961.
- 2- Privileges and immunities are accorded to the judges, the Prosecutor, the Deputy Prosecutor, the Registrar and the Head of the Defence Office in the interest of the Special Tribunal and not for the personal benefit of the individuals themselves. The right and duty to waive such immunity in any case where it can

be waived without prejudice to the purposes for which it is accorded shall lie with the Secretary-General of the United Nations, in consultation with the President of the Special Tribunal.

## **Article 16**

### **Privileges and immunities of international and Lebanese personnel**

- 1- Both international and Lebanese personnel of the Office, while in Lebanon, shall be granted:
  - a- Immunity from legal process in respect of words spoken or written and acts performed in their official capacity as determined by the Registrar. Such immunity shall continue to be accorded after termination of employment with the Office; and
  - b- Exemption from taxation on salaries, allowances and emoluments paid to them.
- 2- International personnel of the Office shall also enjoy:
  - a- Immunity from immigration restriction;
  - b- The right to import free of duties and taxes, except for payment for services, their furniture and personal effects, including automobiles, at the time of first taking up their official duties in Lebanon, which privilege shall be valid for a period of one year from the date of arrival in Lebanon. Such personnel shall also be entitled, on the termination of their functions in Lebanon, to export their furniture and personal effects, including automobiles, free of duties and taxes;
  - c- The same repatriation facilities granted in time of crisis to members of diplomatic missions accredited to the Government.
- 3- The privileges and immunities of international and Lebanese personnel are accorded in the interest of the Special Tribunal and not for the personal benefit of the individuals themselves. The right and duty to waive such immunity in any case where it can be waived without prejudice to the purposes for which it is accorded shall lie with the Registrar.

## **Article 17**

### **Notification**

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The Office shall promptly notify the Government of the names of personnel of the Office. The Government shall issue identification cards to such personnel certifying their status under the present MoU. At the final departure of such personnel, or when these persons have ceased to perform their functions, the identity card shall be promptly returned by the Office to the appropriate issuing authority.

## **Article 18**

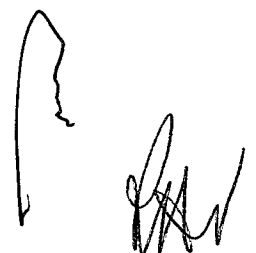
### **Defence counsel**

- 1- The Government shall ensure that the counsel of a suspect or accused who has been admitted as such by the Special Tribunal shall not be subjected, while in Lebanon, to any measure that may affect the free and independent exercise of his or her functions.
- 2- In particular, counsel shall be granted:
  - a- Immunity from personal arrest or detention and from seizure of personal baggage;
  - b- Inviolability of all documents and material relating to the exercise of his or her functions as counsel;
  - c- Immunity from criminal or civil jurisdiction in respect of words spoken or written and acts performed in his or her capacity as counsel as determined by the Head of the Defence Office. Such immunity shall continue to be accorded after termination of his or her functions as counsel; and
  - d- Immunity from any immigration restrictions while in Lebanon and while travelling between Lebanon and the seat of the Special Tribunal in the Netherlands.
- 3- The provisions of this article shall apply, *mutatis mutandis*, to persons assisting counsel in accordance with the Rules of Procedure and Evidence and with the permission of the lead counsel.

## **Article 19**

### **Victims participating in proceedings**

- 1- The Government shall ensure the unrestricted freedom of entry into, exit from and movement within its territory of persons designated as victims participating



in proceedings of the Special Tribunal in accordance with article 17 of the Statute and the applicable Rules of Procedure and Evidence.

- 2- Persons referred to in paragraph 1 shall be granted inviolability of all documents and material relating to their appearance or testimony before the Special Tribunal.
- 3- Persons referred to in paragraph 1 shall enjoy immunity from legal process in respect of words spoken or written and acts performed by them in the course of their appearance or testimony before the Special Tribunal. Such immunity shall continue to be accorded even after their appearance or testimony.

#### **Article 20**

##### **Witnesses**

- 1- The Government shall ensure the unrestricted freedom of entry, exit from and movement within its territory of persons appearing as witnesses before the Special Tribunal for the purpose of giving evidence.
- 2- Persons referred to in paragraph 1 shall be granted inviolability of all documents or material relating to their appearance or testimony before the Special Tribunal.
- 3- Persons referred to in paragraph 1 shall enjoy immunity from legal process in respect of words spoken or written and acts performed by them in the course of their appearance or testimony before the Special Tribunal. Such immunity shall continue to be accorded even after their appearance or testimony.

#### **Article 21**

##### **Other persons invited or required to be present**

- 1- The Government shall ensure the unrestricted freedom of entry into, exit from and movement within its territory of persons invited by or required by the Office to be present, including individuals carrying out investigations on behalf of the Special Tribunal.
- 2- Persons referred to in paragraph 1 shall be granted inviolability of all documents relating to the exercise of their functions on behalf of the Special Tribunal.
- 3- Persons referred to in paragraph 1 shall enjoy immunity from legal process in respect of word spoken or written and acts performed in the course of their

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presence in Lebanon. Such immunity shall continue to be accorded even after their presence in Lebanon is no longer required.

## **Article 22**

### **Experts**

- 1- The Government shall ensure the unrestricted freedom of entry into, exit from and movement within its territory of experts performing functions for the Special Tribunal.
- 2- Persons referred to in paragraph 1 shall be granted inviolability of all documents and material relating to the exercise of their functions on behalf of and as determined by the Special Tribunal.
- 3- Persons referred to in paragraph 1 shall also enjoy immunity from legal process in respect of words spoken or written and acts performed in the course of their functions for the Special Tribunal. Such immunity shall continue to be accorded even after the termination of their functions.

## **Article 23**

### **Security and safety**

- 1- Without prejudice to their privileges, immunities and facilities, the Government shall take effective and adequate measures to ensure the appropriate security, safety and protection of all persons referred to in the present MoU while in Lebanon.
- 2- The Government shall take all appropriate steps, within its capabilities, to protect any equipment and premises of the Office from attack or any action that may prevent the Office from carrying out its activities.
- 3- The Government shall ensure that the tranquility of the Office is not disturbed by the unauthorized entry of persons or groups of persons from outside or by disturbances in its immediate vicinity.

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- 4- Selected Office security personnel duly authorized by the Registrar may possess and carry firearms and ammunition only on official duty and only in accordance with their orders.
- 5- The Government shall authorize the Office to import arms and related material, including weapons and ammunition, for its official use, free of charge and without any restriction for selected Office security personnel duly authorized by the Registrar. The Office shall notify the Government in advance of such imports.
- 6- The Parties shall make the necessary arrangements to facilitate the foregoing.

#### **Article 24**

##### **Confidentiality**

The Government shall respect the confidentiality of all aspects of the work in the Office, including information relating to investigations and the confidentiality of persons appearing witnesses in proceedings before the Special Tribunal.

#### **Article 25**

##### **Flag, emblem and markings**

The Office shall be entitled to display its flag, emblem and markings on its premises and on vehicles used for official purposes. The Office shall also be entitled to display the flag of the United Nations.

#### **Article 26**

##### **Supplementary arrangements**

For the purpose of implementing the provisions of the present MoU or of addressing matters not foreseen herein, the Parties may make other supplementary agreements and arrangements as appropriate.



## **Article 27**

### **Settlements of disputes**

Any dispute between the Parties concerning the interpretation or application of the present MoU that is not settled through negotiation or another agreed form of settlement shall be submitted, at the request of either the Special Tribunal or the Government, for final decision to a tribunal of three arbitrators, one to be named by the Registrar of the Special Tribunal, one to be named by the Government, and the third, who shall be the chairman, to be chosen by the first two. If either the Special Tribunal or the Government fails to appoint an arbitrator within sixty (60) days of the appointment of the other, or if these two should fail to agree on the third arbitrator within sixty (60) days of their appointment, the President of the International Court of Justice may make any necessary appointments at the request of either the Special Tribunal or the Government. The decision of the arbitral tribunal shall be final and binding on both Parties.

## **Article 28**

### **Amendment**

The present MoU may only be amended by mutual written consent of the Parties. Any amendment shall enter into force on the day the Parties have notified each other in writing of their consent to the amendment.

## **Article 29**

### **Entry into force and termination**

- 1- The present MoU shall enter into force upon signature and shall be legally binding upon both Parties.
- 2- The MoU shall terminate if the Office is removed or if the Special Tribunal is dissolved, except for such provisions as may be necessary to permit the orderly conclusion of the Office's activities. Provisions granting immunity from legal process in respect of words spoken or written or acts done in an official capacity, as well as the duty of confidentiality, shall survive the termination of the MoU.

Done in Beirut on this 17 day of June 2009, in three originals in the Arabic, English and French languages, all texts being equally authentic.

**For the Special Tribunal for Lebanon**

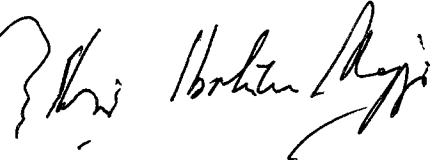


**Robin Vincent**

**Registrar**

17/06/2009.

**For the Government of the  
Republic of Lebanon**



**Pr. Ibrahim Najjar**

**Minister of Justice**