



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE PRE-TRIAL JUDGE**SPECIAL TRIBUNAL FOR LEBANON**

Case No: STL-EI Sayed/PTJ
Before: Judge Daniel Fransen
Registrar: Mr David Tolbert
Date: 1 June 2021
Original language: English
Classification: Public

IN THE MATTER OF EI SAYED

**REGISTRAR'S NOTICE PURSUANT TO RULE 48(C) OF A SHORTFALL IN
FUNDING IMPACTING THE TRIBUNAL'S OPERATIONS**

Office of the Prosecutor:
Mr Norman Farrell

Counsel for the Applicant:
Mr Akram Azoury



I. INTRODUCTION

1. Pursuant to Rule 48(C) of the Special Tribunal for Lebanon's ("Tribunal") Rules of Procedure and Evidence, the Registrar hereby provides notice to the Pre-Trial Judge of the imminent exhaustion of the Tribunal's currently available funds, which would impact on the Tribunal's ability to carry out its normal operations beyond 31 July 2021.
2. The Registrar also files this notice before the President, the Appeals Chamber and Trial Chamber II so that they may take any steps they deem necessary in relation to the conduct of the matters of which they are seized.

II. SUBMISSIONS

3. On 2 February 2021, the Management Committee approved Tribunal's 2021 budget subject to certain conditions, including that the Tribunal would only incur expenditure to the same extent that it has already received income or has a reasonable expectation of receiving such income; that it would provide an outline plan of how it would draw down to a "dormancy model" in the event of a shortfall of funds; and that it would keep the Management Committee informed of the budgetary situation, and if in April /May 2021 the outlook for funding of the Tribunal has not significantly improved the Committee would request a revision of the budget to reflect reasonably expected funding as it appears at that point.
4. On 22 February 2021, the United Nations Secretary-General informed the President of the Tribunal that "the mandate of the Special Tribunal is to be extended for a period of two years from 1 March 2021, or until the completion of the cases before the Special Tribunal, if sooner, or the exhaustion of available funds, if sooner."
5. The Tribunal's Principals have been engaged in extensive discussions with potential donors since the deterioration of the Tribunal's financial situation in 2020. In December 2020, the United Nations Secretary-General launched an urgent appeal to all Member States and the international community to financially support the continuation of the judicial proceedings that remain before the Tribunal.¹ This appeal did not generate any

¹ UN, S/2021/149, Letter dated 10 February 2021 from the Secretary-General addressed to the President of the Security Council, 16 February 2021, available at <https://undocs.org/pdf?symbol=en/S/2021/149> (last accessed 1 June 2021).

new commitment of funds.² On 16 April 2021, the United Nations General Assembly passed a resolution appropriating almost \$15.5 million to the Tribunal by way of a subvention,³ but that amount was considerably lower than the one requested. The subvention has enabled the Tribunal to continue its work for a period of time but does not cover the continuing cost of the Tribunal.

6. The Tribunal's Principals continue to engage prospective donors and the Tribunal's Management Committee in intensive discussions in relation to the Tribunal's financial situation. While certain donors have indicated their willingness to provide some funding, that funding alone would be completely inadequate to continue the Tribunal's work beyond 31 July 2021.
7. Faced with this unprecedented situation, and in order to meet his obligations to administer and service the Tribunal, the Registrar has no choice but to activate a process of separation of staff in all four organs of the Tribunal in accordance with the Staff Regulations and Rules, and to initiate draw down activities related to the protection of witnesses and securing of the Tribunal's records, evidence and sensitive material. Should funding become available, these plans will be reassessed.

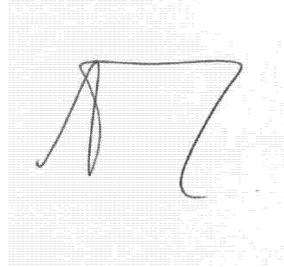
III. CONCLUSION

8. In light of the foregoing, and the direct impact this shortfall in funding has on the Tribunal's ability to finance the continuation of judicial proceedings beyond 31 July 2021, and ultimately on its ability to complete its mandate, the Registrar provides this notice so that the Pre-Trial Judge may take any steps he deems necessary in relation to the conduct of the matters of which he is seized.

² *Id.*

³ UN, A/RES/75/253 B, Resolution adopted by the General Assembly on 16 April 2021, 19 April 2021, available at <https://undocs.org/A/res/75/253B> (last accessed 1 June 2021).

Respectfully submitted,



David Tolbert,
Registrar

Dated 1 June 2021
Leidschendam, Netherlands
Word count: 612

