



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

**THE TRIAL CHAMBER****SPECIAL TRIBUNAL FOR LEBANON**

**Case No:** STL-18-10/PT/TC

**Before:** Judge Nicola Lettieri, Presiding  
Judge Walid Akoum  
Judge Anna Bednarek

**Registrar:** Mr David Tolbert

**Date:** 2 June 2021

**Original language:** English

**Classification:** Public

**THE PROSECUTOR**  
v.  
**SALIM JAMIL AYYASH**

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**ORDER IN RESPONSE TO THE REGISTRAR'S NOTICE OF A SHORTFALL IN  
FUNDING IMPACTING THE TRIBUNAL'S OPERATIONS**

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**Office of the Prosecutor:**  
Mr Norman Farrell

**Counsel for Mr Salim Jamil Ayyash:**  
Mr Emile Aoun & Ms Anta Guissé

**Legal Representative of Participating  
Victims (attack against Mr. Hamade):**  
Mr. Nidal Jurdi

**Defence Office:**  
Ms Dorothee Le Fraper du Hellen

**Legal Representative of Participating  
Victims (attack against Mr. Hawi):**  
Mr. Antonios Abou Kasm

**Legal Representative of Participating  
Victims (attack against Mr. El-Murr):**  
Mr. Adel Nassar



1. On 21 May 2021, the Pre-Trial Judge issued his report under Rule 95 of the Rules of Procedure and Evidence (“Rules”),<sup>1</sup> thus formally seizing Trial Chamber II of the case. The Pre-Trial Judge set 16 June 2021 as the tentative date for the start of trial proceedings,<sup>2</sup> and Trial Chamber II, pursuant to Rule 127 (A), scheduled a Pre-Trial Conference for Thursday, 10 June 2021.<sup>3</sup>

2. On 1 June 2021, the Registrar provided notice to Trial Chamber II, pursuant to Rule 48 (C), of the imminent exhaustion of the Tribunal’s currently available funds, which would impact the Tribunal’s ability to finance the continuation of judicial proceedings beyond 31 July 2021, and ultimately its ability to complete its mandate.<sup>4</sup> The Registrar also observed that, faced with this unprecedented situation, it must activate a process of separation of staff and “initiate draw down activities related to the protection of witnesses and securing of the Tribunal’s records, evidence and sensitive material”. He added that, should funding become available, these plans would be reassessed.<sup>5</sup>

3. In light of the Registrar’s Notice and considering it is futile to start a trial in June which is highly likely to be terminated in July due to lack of funds, *rebus sic stantibus* the Trial Chamber cancels the Pre-Trial Conference and the hearing for the commencement of trial,<sup>6</sup> as currently set, respectively, for 10 and 16 June 2021. The Trial Chamber also suspends all decisions on filings presently before it—as well as time-limits for filing responses to any filings—until further notice. Further, the Trial Chamber will not consider any future filings which may be filed before it until further notice. The Trial Chamber will provide an update and, if necessary, a final determination in respect of these filings, in due course.

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<sup>1</sup> STL, *The Prosecutor v. Salim Jamil Ayyash*, STL-18-10/PT/PTJ, F0323, The Pre-Trial Judge’s Report Pursuant to Rule 95 (A) of the Rules of Procedure and Evidence, 21 May 2021 (confidential). Unless otherwise stated, any further reference to decisions and orders pertains to this case.

<sup>2</sup> F0278, Order Setting a Tentative Date for the Start of Trial Proceedings, 25 February 2021. *See also* F0318, Decision on Defence Request to Postpone the Tentative Date for the Start of Trial Proceedings, 11 May 2021.

<sup>3</sup> STL, *The Prosecutor v. Salim Jamil Ayyash*, STL-18-10/PT/TC, F0329, Scheduling Order and Agenda for Pre-Trial Conference of 10 June 2021, 31 May 2021.

<sup>4</sup> STL, *The Prosecutor v. Salim Jamil Ayyash*, STL-18-10/PT/TC, F0332, Registrar’s Notice pursuant to Rule 48 (C) of a shortfall in Funding Impacting the Tribunal’s Operations, 1 June 2021 (“Registrar’s Notice”), paras 1, 8. The Registrar also filed the same notice before the Special Tribunal’s President, the Appeals Chamber and the Pre-Trial Judge.

<sup>5</sup> Registrar’s Notice, para. 7.

<sup>6</sup> *See* Rule 143 “Opening Statements”.

**FOR THESE REASONS**, the Trial Chamber:

**CANCELS** the Pre-Trial Conference and the commencement of trial, as set for 10 and 16 June 2021, respectively; and

**SUSPENDS** all decisions on filings presently before it, and on any future filings—as well as time-limits for filing responses to any filings—until further notice.

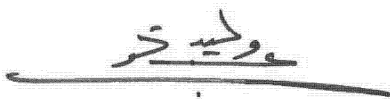
Done in Arabic, English and French, the English version being authoritative.

2 June 2021


Leidschendam, The Netherlands



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Judge Nicola Lettieri, Presiding



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Judge Walid Akoum



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Judge Anna Bednarek

