SPECIAL TRIBUNAL FOR LEBANON

SEVENTH ANNUAL REPORT (2015-2016)
Dear Prime Minister Salam,

Dear Secretary-General Ban Ki-moon,

Conscious that the Special Tribunal for Lebanon must be accountable to the people of Lebanon and the international community, it is my privilege to submit the Tribunal’s Seventh Annual Report, as required under Article 10 (2) of the Tribunal’s Statute. The report covers the Tribunal’s operation and activities from 1 March 2015 to 29 February 2016.

On behalf of the Tribunal, I wish to express my sincere gratitude for the abiding support of Lebanon and the international community, both financial and in other respects, which has been, and remains, indispensable to fulfilling the Tribunal’s mandate. The Tribunal has endeavoured to carry out its work efficiently, with an emphasis on minimizing costs.

Also essential to the Tribunal’s pursuit of justice and good functioning has been the dedication of its personnel in Beirut and Leidschendam, comprised of individuals from all parts of the world. The judicial progress described in this report is a credit to them. As President of the Tribunal, I strive to ensure an environment conducive to their welfare as they undertake their important responsibilities.

During the reporting period, the Office of the Prosecutor continued to present evidence at trial in the Tribunal’s main case, Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi and Sabra, concerning the 14 February 2005 attack. In addition, it continued to investigate other attacks within the Tribunal’s jurisdiction. Throughout, Defence counsel and their staffs, supported by the Defence Office, have protected the interests of the five Accused, including by carrying out their own investigations. At the same time, the interests of victims have been advanced by appointed counsel.

Ever mindful of those for whom the Tribunal carries out its mission, the Tribunal is focused on, and directing all available resources toward, completing its ongoing proceedings within the current mandate, consistent with the rights of the accused and the victims.

Ivana Hrdličková
President
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Between 1 March 2015 and 29 February 2016, the Special Tribunal for Lebanon focused on its core mandate to try those allegedly responsible for the crimes over which the Tribunal has jurisdiction. It is by doing so expeditiously and fairly that the Tribunal can contribute to justice in Lebanon and beyond.

Steady progress was made in the Tribunal’s main case, Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi and Sabra, concerning the 14 February 2005 attack which killed former Lebanese Prime Minister Rafik Hariri and 21 other people, as well as injuring 226 more. As of the date of this report, the case continues to proceed in absentia, which is authorized in specific circumstances by the Tribunal’s Statute. During the reporting period, the Office of the Prosecutor presented substantial parts of its evidence-in-chief, while simultaneously investigating other attacks within the Tribunal’s jurisdiction and assessing incidents potentially connected to the 14 February 2005 attack pursuant to Article 1 of the Statute. Since the beginning of trial, 199 witnesses have given evidence and over 1,200 exhibits have been admitted. The Prosecution currently expects to complete its evidence-in-chief in 2016.

A case of this scope before an international tribunal inevitably requires significant time and resources. This Tribunal has faced particular challenges which have impacted the pace of proceedings. These include: investigating and trying the crime of terrorism for the first time before an international tribunal; the joinder of two cases; allowing sufficient time for introducing and explaining technical call data records evidence; and retaining top-quality legal and administrative personnel despite the Tribunal’s temporary status.

That the Tribunal’s structure and provisions are of a hybrid nature is of course also relevant to how its proceedings advance. While the Tribunal applies the criminal law of Lebanon to the crimes within its jurisdiction, its procedural and evidentiary rules incorporate common law and civil law traditions to reflect the highest international standards. In this way, the Tribunal benefits from both these traditions. Its ability to do so in practice is facilitated by the sustained contributions of its diverse personnel. Though occasionally perceived as cumbersome, the Tribunal’s hybrid approach is indeed intended, in part, to expedite proceedings. Moreover, this approach is vital to the Tribunal’s legitimacy and the acceptance of its decisions by the people of Lebanon and the international community.

The Tribunal’s proceedings must respect the rights of accused as recognized in Article 16 of the Statute and its Rules of Procedure and Evidence. These rights are protected by assigned Defence counsel and their staffs, aided by the Defence Office. The Defence Office is unique in international justice as a fully independent organ protecting the rights of the Defence, particularly by assisting Defence counsel.

The Tribunal further recognizes that justice demands a meaningful role for victims in judicial proceedings. Accordingly, victims granted the status of participating victims under the Rules of Procedure and Evidence are permitted to present their views and concerns at appropriate times. Such participation is effected by experienced counsel appointed to represent victims’ interests.

In addition to the main case, the Tribunal pursued two cases of alleged contempt and obstruction of justice during the reporting period. Both concern publication of information on purported confidential witnesses in the Ayyash et al. case. The first will conclude soon with the issuance of the Appeal Judgment, while trial hearings are ongoing in the second. The Tribunal treats the proper administration
of justice with the utmost seriousness and accordingly makes all reasonable efforts to guarantee the integrity of its proceedings.

The Tribunal’s judicial work was made possible by the administrative and logistical support of the Registry. The contributions of the Registry’s various sections, including witness and victim protection, the efficient functioning of court hearings and filing systems, immense translation and interpretation operations, enhanced information services and the security of personnel and assets, occurred mostly off camera, but were nonetheless essential. Notably, the Public Information and Communications Section ensures that the public, particularly the people of Lebanon, are informed of the Tribunal’s activities. This is achieved through live-streaming trial hearings, publishing decisions and other material on the Tribunal’s website, responding to press inquiries, use of social media and outreach programmes. Transparency and the public nature of proceedings are fundamental to justice, first and foremost with respect to the accused, but also for the Lebanese people.

The developments during the reporting period are described in greater detail in the following sections.
PART II – MAIN ACTIVITIES OF THE TRIBUNAL

A. Chambers

1. Introduction

In the past twelve months, the Pre-Trial Judge, Trial Chamber and Appeals Chamber, as well as Contempt Judges and an Appeals Panel, have been engaged in judicial activities. They collectively issued more than 270 decisions and orders, totalling over 1,990 pages.

Judicial activity was most significant in the Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi and Sabra case (“Ayyash et al.”), which progressed throughout the reporting period. Of the two ancillary contempt proceedings, one will soon be completed, while the other is in the midst of trial hearings.

In addition to their judicial work, the President, the Judges and Chambers staff contributed regularly to the Special Tribunal for Lebanon’s (“Tribunal” or “STL”) external relations initiatives. Further, the President performed her administrative functions pursuant to the Tribunal’s Statute.

2. Judicial activities

*Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi and Sabra*

The trial of Messrs Salim Jamil Ayyash, Mustafa Amine Badreddine, Hassan Habib Merhi, Hussein Hassan Oneissi and Assad Hassan Sabra continued in the reporting period. The Trial Chamber sat throughout this time, save for scheduled recesses, for a total of 128 hearing days. In setting the court hearings, the Trial Chamber balances the Parties’ proposed witness schedule against the significant out-of-court preparatory work that is required, in particular for deliberations, drafting decisions and orders, reviewing proposed evidence in advance of the hearings and the necessary post-testimony assessments. The Trial Chamber has sat for 221 days since the beginning of trial. These hearings are recorded in the 47,893 pages of transcripts published to date in the three official languages of the Tribunal—Arabic, English and French.

**Decisions**

The Trial Chamber issued 147 written decisions and 94 oral orders during the reporting period. These covered a wide array of legal issues, notably, the disclosure and admission of evidence; Lebanon’s cooperation with the Tribunal; amendments to the Office of the Prosecutor’s (“OTP” or “Prosecution”) exhibit and witness lists; requests for reconsideration of decisions; protective measures for victims and witnesses; and requests for testimony of witnesses by video-conference link. Some of the most significant of these decisions are highlighted below.
On 6 March 2015, the Trial Chamber issued the first of several decisions on the admission “from the bar table”—meaning without witness testimony—of evidence related to mobile telephones. The practice of tendering evidence in this manner was developed at the other international criminal courts and tribunals to improve the efficiency of the proceedings and is governed by Rule 154 of the Tribunal’s Rules of Procedure and Evidence (“Rules”). This decision concerned three Prosecution motions and found admissible 337 pages of material, consisting of mobile telephone contracts, business records and other documents related to the acquisition and purchase of mobile telephones allegedly used by the Accused and others to plan and carry out the attack of 14 February 2005.

The Trial Chamber ruled on evidence of a similar nature, relevant to the commercial distribution and sale of mobile telephones, on 30 June 2015. This time, the evidence was in the form of witness statements tendered by the Prosecution under Rule 155 of the Rules, which allows the admission into evidence of witness statements in lieu of those witnesses’ oral testimony in the courtroom. The Trial Chamber reviewed sixteen statements totalling 360 pages, and found them to be admissible.

In a decision issued on 6 May 2015, the Trial Chamber deferred determining the admissibility of so-called “call sequence tables”, which list in chronological sequences the thousands of telephone calls relevant to the Prosecution’s case, until the testimony of at least one Prosecution witness regarding the provenance of the underlying call data records (“CDR”) and the production of those tables was heard. The Trial Chamber also held that the transfer of CDR from the Lebanese telecommunications companies to the United Nations International Independent Investigation Commission (“UNIIIC”), and to the OTP, did not violate international human rights standards, in particular the right to privacy. This is because United Nations (“UN”) Security Council Resolutions 1595 and 1757 establishing the UNIIIC and the Tribunal provided the legal authorization for the transfer, and the transfer was necessary and proportionate to the legitimate aim of investigating the attack of 14 February 2005.

The Appeals Chamber subsequently upheld this decision. It found that the legal instruments governing the investigations of the UNIIIC and the OTP did not require either body to have judicial approval before obtaining evidence. Further, it held that the transfer of the CDR to the UNIIIC and the OTP without prior judicial approval did not violate international standards on human rights because such transfer was provided by law, necessary and proportionate.

On 21 May 2015, the Trial Chamber declined to admit into evidence purported United States Department of State cables that the Onewissi Defence had obtained from the Wikileaks website and used during the cross-examination of two Prosecution witnesses. It held that without evidence of their authenticity or accuracy, the cables could not be considered sufficiently reliable. The Trial Chamber declined to certify this decision for interlocutory appeal.

On 9 July 2015, the Trial Chamber ruled on the admissibility of documents and witness statements related to a number of locations relevant to the Prosecution’s case, for instance, the vehicle dealership from where a Mitsubishi Canter, allegedly used to carry the explosives for the 14 February 2005 attack, was sold, Mr Hariri’s residences and jewellery stores allegedly owned by Mr Sami Issa, who the Prosecution alleges was an alias of Mr Badreddine. In a decision issued on 9 October 2015, the Trial Chamber also found admissible land registry records, banking documents, electricity subscription records, property reconstruction claims and witness statements that the Prosecution sought to tender into evidence to prove the locations of residences associated with the Accused. The Prosecution intends to use this evidence to represent the movements of the telephones allegedly used by the
Accused through cell site analysis, a technique that can establish the approximate location of the user of a mobile telephone.

In decisions issued on 2 November and 4 November 2015, the Trial Chamber assessed the admissibility of further documents and witness statements related to Messrs Merhi and Ayyash.

Throughout the reporting period, the Trial Chamber continued to evaluate compliance by the Lebanese Government with requests for assistance from the Sabra Defence seeking material that it considered relevant to and necessary for its trial preparations. The Trial Chamber called for the Lebanese Government to cooperate with the Tribunal in this respect, and invited it to file submissions in relation to the requests for assistance that the Sabra Defence considered to be outstanding. At the end of the reporting period, this issue remains unresolved.

Trial

During the reporting period, the Trial Chamber heard testimony from 58 witnesses in court and admitted into evidence 38 written witness statements. Twenty-seven witnesses testified from the Tribunal’s Beirut Office, making use of the Tribunal’s video-conferencing capabilities. These numbers bring the total number of witnesses to 199 whose evidence the Trial Chamber has heard in court and received in written form since the start of the trial.

In line with its decision of 14 November 2014, the Trial Chamber, at the beginning of the reporting period, continued to hear testimony from Lebanese public figures regarding the political context in Lebanon and Mr Hariri’s movements in the months leading up to his assassination.

During the summer of 2015, the Trial Chamber received evidence on three factual areas of the Prosecution’s case. Witnesses testified about the sale of the Mitsubishi Canter, the alleged false claim of responsibility for the attack broadcast in the media and the sale of mobile telephone SIM cards allegedly used in the networks of telephones which the Prosecution pleads were used to prepare the attack of 14 February 2005, or to observe Mr Hariri and locations connected to him.

On 1 July and 5 October 2015, the Trial Chamber summonsed two witnesses, finding this necessary to secure their attendance. One of the two witnesses, a journalist, has already testified. In its decision on the Prosecution’s application for a summons, the Trial Chamber rejected her claim of war correspondents’ privilege. Subsequently, the Appeals Chamber, by majority, dismissed two applications from the witness seeking to appeal the Trial Chamber’s decision and suspend the summons.

Throughout the reporting period, the Trial Chamber heard testimony from nineteen staff members of the OTP regarding investigative and analytical methods employed in the case. Subjects covered included: how CDR obtained from the Lebanese telecommunications service providers were stored and managed within the OTP; how those records were organized into call sequence tables; how the OTP identified and photographed relevant physical locations; and an explanation of the features and capabilities of a software known as “Electronic Presentation of Evidence” that the Prosecution intends to use to visually and digitally represent relevant locations and the movements of the mobile telephones allegedly used by the Accused.
In the autumn of 2015 and winter of 2015-2016, the Trial Chamber received evidence from a number of witnesses the Prosecution called to identify the Accused and attribute telephone numbers to them. These witnesses included people familiar with Mr Merhi or his family, service providers who had commercial relations with Mr Merhi, Mr Ayyash and Mr Oneissi and employees and acquaintances of Mr Sami Issa (allegedly Mr Badreddine).

In February 2016, the Trial Chamber began, and in the coming months will continue, to hear evidence from representatives of the Lebanese telecommunications service providers. The purpose of this testimony is to prove the provenance of commercial documents related to the distribution and sale of mobile telephones, and to establish the provenance of the CDR used by the Prosecution to create its call sequence tables. The Trial Chamber had required evidence on these two points in its decisions of 6 March and 6 May 2015, as a prerequisite to the admission of the commercial documents and the call sequence tables.

The trial continues to be one of significant legal and factual complexity, as demonstrated by the quantity of material tendered into evidence by the Parties. To date the Trial Chamber has admitted or marked for identification 1,206 exhibits (totalling 56,817 pages), 586 of those exhibits (totalling 21,486 pages) having been admitted or marked for identification during the reporting period.

**Contempt**

Under Rule 60 bis of the Rules, the Tribunal, in the exercise of its inherent power, may hold in contempt those who knowingly and wilfully interfere with its administration of justice.

In an earlier reporting period, the Contempt Judge issued orders in lieu of an indictment initiating two contempt cases. These concerned two of three incidents that had been under investigation by an amicus curiae pursuant to Rule 60 bis (E) (ii) of the Rules.

**Ms Karma Mohamed Tahsin Al Khayat and New TV S.A.L. (STL-14-05)**

Ms Karma Mohamed Tahsin Al Khayat, the Deputy Head of News and Political Programs for Al Jadeed TV, and New TV S.A.L., the parent company of Al Jadeed TV, were each charged with two counts of contempt and obstruction of justice for their alleged roles in broadcasting certain episodes in Lebanon in August 2012 on purported confidential Tribunal witnesses and making these episodes available online in violation of an order of the Pre-Trial Judge.

Trial commenced on 16 April 2015 with the Parties’ opening statements. The Amicus Curiae Prosecutor immediately presented his case, which closed on 22 April 2015. Eight witnesses testified in court, including one expert, and the Contempt Judge admitted 181 Prosecution exhibits. The Defence presented its case between 12 and 15 May 2015. Four witnesses testified in court and the Contempt Judge admitted 136 Defence exhibits. The Parties filed their final trial briefs on 8 June 2015 and made closing arguments on 18 and 19 June 2015. Ms Khayat attended all trial hearings in person.

On 18 September 2015, the Contempt Judge issued the Judgment. He acquitted New TV S.A.L. of both counts and Ms Khayat of one count; but convicted Ms Khayat for failing to remove information on the purported confidential Tribunal witnesses from Al Jadeed TV’s online platforms, contrary to a judicial order. With respect to this conviction, the Contempt Judge, upon hearing submissions from the
Parties, sentenced Ms Khayat to a fine of EUR 10,000 on the basis of the gravity of the offence, as well as on mitigating and aggravating factors.

Both Parties appealed the Judgment. The *Amicus Curiae* Prosecutor asserted that the Contempt Judge committed errors of fact and law in each acquittal, while the Defence contended that he committed errors of fact and law in convicting Ms Khayat. In addition, the *Amicus Curiae* Prosecutor appealed Ms Khayat’s sentence as insufficiently severe.

The Appeals Panel will soon issue the Appeal Judgment.

**Mr Ibrahim Mohamed Ali Al Amin and Akhbar Beirut S.A.L. (STL-14-06)**

Mr Ibrahim Mohamed Ali Al Amin, editor-in-chief of the *Al Akhbar* newspaper, and *Akhbar Beirut* S.A.L., the newspaper’s parent company, were each charged with one count of contempt for their alleged roles in publishing and making available online information on purported confidential Tribunal witnesses in January 2013.

Throughout the reporting period, the Parties engaged in trial preparation and the Contempt Judge issued various decisions resolving disclosure and protective measures matters.

On 11 December 2015, the Contempt Judge held the Pre-Trial Conference. He heard from the Parties on a series of motions filed by the *Amicus Curiae* Prosecutor, including requests to amend the Order in Lieu of an Indictment by adding two counts and to postpone trial proceedings pending issuance of the Appeal Judgment in the other contempt case. Further, the Parties made submissions on the Defence’s request that the proceedings be classified as *in absentia*. In this regard, the *Amicus Curiae* Prosecutor asked that a summons be issued requiring Mr Al Amin to appear before the Tribunal.

On 18 December 2015, the Contempt Judge dismissed the *Amicus Curiae* Prosecutor’s motion for leave to amend the Order in Lieu of an Indictment. The Contempt Judge held that the *Amicus Curiae* Prosecutor had not acted with due diligence in seeking leave and that the amendments would unduly delay the proceedings. Thus, in his view, the amendments would improperly prejudice the Accused.

On the same day, the Contempt Judge also denied the *Amicus Curiae* Prosecutor’s request to postpone trial proceedings. However, the Contempt Judge permitted the *Amicus Curiae* Prosecutor to amend his exhibit and witness lists, which included removing four witnesses while adding three. Given the timing of these amendments, the Contempt Judge decided that it was in the interests of justice to defer the trial dates modestly. He thus ordered the Parties to make opening statements and for the *Amicus Curiae* Prosecutor to present his case-in-chief from 24-26 February 2016 and from 29 February to 1 March 2016, as needed.

On 11 February 2016, the Contempt Judge issued a consolidated decision in which he dismissed the Defence’s request for the proceedings to be classified as *in absentia*; confirmed that assigned counsel for the Defence is the sole legal representative of the Accused; and dismissed the *Amicus Curiae* Prosecutor’s request that the Contempt Judge issue a summons to appear to the Accused.
The Parties made opening statements on 24 February 2016, after which the Amicus Curiae Prosecutor immediately began presenting his case. The Defence is scheduled to present its case, if any, in early April 2016.

**El Hajj**

On 30 April 2015, the Pre-Trial Judge declared Mr Ali El Hajj’s request for certain evidentiary material allegedly in the Tribunal’s possession inadmissible due to lack of standing before the Tribunal.

**El Sayed**

Pursuant to the Pre-Trial Judge’s decision of 8 October 2012, the Prosecution submitted to the Pre-Trial Judge, in April and October 2015, updated risk assessments for a number of individuals whose statements Mr Jamil El Sayed had requested be disclosed.

3. **Regulatory activities**

The President and other Judges reviewed the Tribunal’s Rules and ancillary legal texts to ensure the efficiency and effectiveness of judicial activities. No material regulatory changes were made during the reporting period.

Throughout the year, the Senior Management Board, comprised of the President, Prosecutor, Head of Defence Office and Registrar pursuant to Rule 38 of the Rules, met regularly under the chairmanship of the President to ensure the coordination of the activities of the Tribunal’s organs. Moreover, with the support of the Vice-President, the President pursued her administrative roles under Article 10 of the Statute.

Between 29 April and 1 May 2015, the President hosted the Management Committee at the Tribunal. The Management Committee engaged in both formal and informal discussions with the Tribunal’s Principals, Judges and personnel, and received presentations on the Tribunal’s activities. On other occasions, in Beirut and New York, the President met with members of the Management Committee to assist it in carrying out its oversight responsibilities.

In June 2015, the President convened the first meeting of the Working Group on the Administration of Justice (“Working Group”), comprised of herself, the Presiding Judge of the Trial Chamber, the Pre-Trial Judge and the Registrar. The purpose of the Working Group is to discuss the efficient judicial administration of the Tribunal.

4. **External relations**

President met regularly with political leaders and members of the diplomatic and legal communities in Beirut, The Hague and elsewhere. She and the other Judges also participated in programmes and events relevant to the Tribunal’s work.
In April and October 2015, the President made official visits to Lebanon. She met political and judicial officials, including the Prime Minister, Minister of Foreign Affairs, Minister of Justice, Defence Minister, Interior Minister, Director General of the Ministry of Justice, President of the Court of Cassation, Prosecutor-General and Director General of the General Security. She also held meetings with numerous diplomats and UN representatives, including the UN Special Coordinator for Lebanon.

During these visits, the President and Vice-President partook in activities aimed at broadening understanding of the Tribunal’s mandate and international criminal proceedings. The President met with the heads of the Beirut and Tripoli Bar Associations; briefed Beirut-based Lebanese, Arab and international media on the Tribunal’s judicial activities; lectured at the American University of Beirut on the rights of victims in international criminal proceedings; and inaugurated the fifth Inter-University Programme on International Criminal Law and Procedure at Beirut Arab University with a presentation on the history of international criminal justice. This programme, organized by the Tribunal, is a collaborative effort with the T.M.C. Asser Institute in The Hague and nine prominent Lebanese universities. Following her presentation, the President led a question and answer session with the students.

As part of celebrations in Beirut for the seventieth anniversary of the UN, the President participated in a UN panel session on human rights and the rule of law. Together with panellists from Lebanese civil society and the Ministry of Justice, she discussed the role an international justice mechanism can play in fighting impunity and strengthening accountability.

From 11-15 May 2015, in New York, the President updated the UN Secretary General, other senior UN officials, the Permanent Representative of Lebanon to the UN and representatives of the European Union on the Tribunal’s activities.

On 11 December 2015, the President attended the annual opening ceremony of the Paris Bar Association, where she met the new bâtonnier of the Beirut Bar Association.

On 21 January 2016, the Tribunal’s diplomatic briefing was hosted by the Canadian Ambassador. The President thanked the diplomatic community for its support and, along with the Registrar, Prosecutor and Head of Defence Office, spoke about the Tribunal’s progress and its outlook going forward.

The President further maintained regular communications with the diplomatic community throughout the reporting period, receiving numerous visits from ambassadors, as well as from the Ministers of Justice of France and the Czech Republic.

The President also met with the presidents of other international courts and tribunals in order to facilitate cooperation and share best practices. In addition, she provided overviews of the Tribunal’s judicial work to several delegations of national judges, including from Bangladesh, the Czech Republic and France. The Tribunal hosted a meeting of the Judicial Club of The Hague, an institution which assembles judges and registrars from the international courts and tribunals based in The Hague and members of the Dutch Supreme Court, where the President gave a presentation on the Tribunal’s work.

The Judges and Chambers staff gave regular presentations on the Tribunal’s mandate and activities to lawyers, students and other groups visiting the Tribunal.
The Judges and Chambers staff also prepared a fully-indexed summary of the Tribunal’s most important decisions from 2014. The 2014 Casebook will soon be available, online and in print, in the Tribunal’s three official languages. Casebooks for previous years remain available on the Tribunal’s website.

5. Management of resources

Chambers effectively managed a substantial workload from the Ayyash et al. case, as well as the two ancillary contempt proceedings, with existing staff. No additional resources were requested in the most recent budget.

6. The Way Forward

In the next reporting period, Chambers aims to:

(i) dedicate all available resources to fulfilling the Tribunal’s core mandate;
(ii) fairly and expeditiously complete ancillary judicial activities;
(iii) ensure accountability and application of the highest ethical standards in all aspects of judicial work;
(iv) enhance the Tribunal’s legacy by demonstrating the benefits of an approach that integrates the best practices of civil law and common law traditions; and
(v) increase opportunities for Lebanese professionals and students.
The period from 1 March 2015 to 29 February 2016 has been a particularly busy and productive one for the Office of the Prosecutor ("OTP" or "Prosecution").

The OTP moved ahead expeditiously with the presentation of its evidence-in-chief in the Ayyash et al. case, against the five individuals accused of criminal responsibility for the attack on former Lebanese Prime Minister Rafik Hariri. The OTP has now completed the first component of the Prosecution case, substantially completed the second component and expects to complete the final component of its case this year.

This report explains the nature and scope of the case and the presentation of Prosecution evidence during the reporting period, including the number of witnesses and exhibits. It also explains the various steps taken by the OTP to present the evidence in as effective and expeditious a way as possible: in particular, by streamlining the presentation of evidence; narrowing the issues in contention; ensuring the timely appearance of witnesses; and accommodating the court schedule.

A considerable amount of work is undertaken, much of it out of court, to enable the Prosecution to effectively present its case. The report explains the type and nature of work which is required to be able to present such a complex case in court. This includes: the extensive preparatory work to present the evidence both through witnesses and in writing, prepare motions, or address novel legal issues; developing and introducing key electronic presentation tools to display comprehensively a complex array of evidence; missions necessary to support trial presentation; and securing the cooperation of evidence providers.

The OTP also intensified its investigations into the three terrorist attacks that have been found to be connected with the attack against the former Prime Minister and been deferred to the Tribunal. The OTP is continuing to conduct full-fledged investigations in respect of these three cases, which remain a priority for the OTP. Though such investigations are confidential, the report briefly touches upon this aspect of our work, as well as the assessment by the OTP of potentially related cases.

The OTP continues to engage in other ongoing work, some of which is not part of the original work plan of the OTP or budgeted for, such as addressing requests arising from the contempt proceedings, providing support to the Lebanese judicial authorities or responding to external applications or requests. This is set out in the "Other ongoing work of the OTP" section of this report.

Lastly, the report sets out the anticipated way forward for the coming year, the objectives of the OTP and the intention to meet such objectives within the budget in accordance with the management principles applied in the Office.
This is a particularly complex terrorist case, which is built by hundreds of pieces of evidence. Each piece of evidence needs to be submitted individually and is put to strict proof, and allowed to be challenged. Often to prove a single fact, dozens of documents or numerous witnesses may be required. The complexity of preparing and presenting such a case is reflected in its magnitude and time-consuming nature.

In order to present the evidence in comprehensible segments, the Prosecution has identified for the Court three main categories of evidence to be called at trial:

• first – the forensic evidence on the cause of the explosion of 14 February 2005 and evidence related to the death and injury of the victims of this attack;

• second – the evidence of the preparatory acts undertaken by the five Accused and their co-conspirators in 2004-2005 to prepare for the assassination of the former Prime Minister; and

• third – the evidence concerning the identity of the Accused and their respective roles in the attack.

As noted above, the Prosecution has completed the presentation of the first component of its case and has completed a substantial portion of the second component. The third and last component of the Prosecution case will be presented this year.

During the reporting period, the evidence presentation focused on the preparatory acts undertaken by the Accused. Evidence concerning the context and events surrounding the former Prime Minister in 2004 and 2005 was elicited in court to better understand his activities, travel and movements in the months prior to the attack. This will allow the Court to appreciate, for example, the type and nature of the surveillance of the former Prime Minister and the timing of the attack itself. To that end, fifteen witnesses from Lebanon testified in person in Leidschendam, including a former Prime Minister, former and current Members of Parliament and prominent journalists.

The Prosecution called evidence relating to the telephone networks and their use. This included the origin and nature of the network of telephones allegedly involved in the preparation and carrying out of the assassination of the former Prime Minister. It also included expert evidence relating to: cell site analysis; computer and information systems; and the storage and security of data, including digital evidence; as well as evidence from the communications service providers.

In addition, the Prosecution submitted evidence in court relating to the sophisticated and careful efforts of the Accused to avoid detection and mislead the investigation – through, for example, the false subscriber details for the telephones. A considerable amount of evidence had to be called to prove a negative, i.e., that the persons listed as using the telephones were false, as a first step in proving the real users and the real purpose of their use.

Some idea of the scope of the case is revealed in a few statistics. In 2014, the Prosecution presented 90 witnesses over 64 court sitting days. In 2015, the Prosecution presented 107 witnesses over the 125 court days scheduled for witness testimony. In 2015, 59 of these witnesses testified in person before
the Court – either in the courtroom at the seat of the Tribunal in Leidschendam or via video-conference link from Beirut. At the Prosecution’s request, the Trial Chamber admitted into evidence the witness statements of another 48 witnesses without the witnesses having to attend court to give oral testimony. In 2014, 431 Prosecution exhibits were admitted into evidence, with an additional 425 admitted in 2015, and 20 to date in 2016. A further 81 Prosecution exhibits have been put before the Court and marked for identification at this stage.

The numbers alone, however, do not give the full picture. It is relevant to note the types of witnesses presented and the nature of their evidence. For example, in 2015, two expert witnesses testified for one week on the structural effect of the explosion of 14 February 2005 on the surrounding buildings, drawing conclusions as to the possible size of the bomb and the height at which it was exploded. One expert witness in the area of telecommunications and cell site analysis testified for four days in relation to an expert report on cell site analysis. One expert witness on computer and information systems and the storage and security of data required a full day of testimony to explain the handling and storage of telephone records. In addition, as the case proceeded through the second evidentiary component, on occasion individual Defence teams spent considerably more time than the Prosecution questioning witnesses and used court time to present Defence evidence through the witnesses.

Steps taken to present the evidence in an effective and expeditious way have included:

- **Streamlining the presentation of the evidence:** The Prosecution has made extensive use of Tribunal rules – derived from the civil law system – permitting evidence to be put before the Court in written form. This approach reduces the court time needed. The Prosecution has requested the admission of written witness statements to avoid witnesses attendance in court and has requested the admission of considerable evidence from the “bar table”, without requiring a witness to produce or identify it. The Trial Chamber has been amenable to this approach, admitting witnesses’ testimony and documents in written form, subject to the presentation of oral summaries in court, and cross-examination of certain witnesses where requested by Defence Counsel.

- **Seeking to narrow the issues in contention:** The Prosecution consults with Defence Counsel to obtain agreement on certain facts in order to avoid calling evidence that is not contentious. When appropriate, Prosecution Counsel has met with Defence Counsel in advance of certain witnesses or evidence to facilitate preparation for those witnesses and narrow the issues between the Parties. The Prosecution’s approach has been to try to identify, with the Defence, areas to facilitate the expeditiousness of the proceedings, and leave the time-consuming litigation to the truly contentious matters.

- **Ensuring the appearance of witnesses:** The Prosecution continues to count on the support of witnesses and victims, many of whom have testified or will be testifying in court. Not only is their testimony necessary, their participation is at the heart of the proceedings, and the OTP recognizes their courageous efforts in coming forward to testify. The OTP has contacted witnesses in advance in order to address the need for protective measures and, where necessary, has taken steps to ensure these are in place. This has included filing motions to enable 40 witnesses to testify subject to protective measures, some with facial and voice distortion. This demonstrates the reality of testifying before the Tribunal, but also that the Prosecution was able to play a role in ensuring that the witnesses would attend, despite security or other concerns. Further, the Trial Chamber
repeatedly granted Prosecution motions allowing witnesses to testify remotely via video-conference link.

- **Accommodating the court schedule:** The Prosecution has had witnesses available, or presented written evidence, on all of the court dates scheduled, despite the difficulties of scheduling witnesses, most of whom come from Lebanon or other countries. There was only one exception, when a witness became unavailable at the last moment in circumstances beyond the control of the Prosecution. In scheduling witnesses, the Prosecution has always sought and taken into account the best Defence estimates for cross-examination. Even when those estimates changed, were inaccurate or the Defence was not ready to proceed, the Prosecution adjusted its witness schedule to accommodate these changes, while ensuring that the court days could still be used.

3. **The Trial – preparation and activities in support of the presentation of the case**

A considerable amount of other work has been carried out by the OTP, much of it behind the scenes, to enable the Prosecution to present the case in court. During the reporting period, this has included, notably: filing a number of significant trial-related motions; developing and introducing in court an electronic visual presentation tool to assist the Court in understanding key components of the evidence; conducting missions and follow-up investigations where necessary; seeking and securing cooperation by States; and preparing and disclosing evidence.

First, in relation to trial-related motions, the Prosecution filed a number of motions seeking the admission of documentary evidence and witness statements in support of its case. In 2015, the Prosecution filed 36 motions to tender evidence and witness statements without the need to call witnesses to testify. Some of these motions were large and complicated, requiring an extensive number of days or weeks to prepare.

A number of significant and novel legal issues have arisen at trial, requiring filings before the Court. These issues included: the authority of the Tribunal to issue a summons for a journalist to provide testimony; the admissibility of documents obtained from the WikiLeaks website; the scope of expert testimony in circumstances where the expert will testify multiple times on different expert reports; whether legal obligations exist for disclosure of information provided by State authorities on a confidential, lead basis and thus governed by Rule 118 of the Rules; and identifying the applicable legal standard when assessing whether a State has complied with a court order to cooperate with the Tribunal.

Second, to assist the Court in understanding the highly technical evidence regarding the telecommunications and the surveillance, the OTP has developed an electronic programme to visually present information and data of telephone use. This form of electronic presentation of evidence was introduced in court during the reporting period, as a demonstrative tool, through which to organize and display extensive amounts of data related to the Accused’s alleged telephone use during the preparation and perpetration of the assassination. While this is an evidentiary tool recently used in a number of national legal systems, it is the first time such a tool has been used before an international criminal court or tribunal. It thus represents an innovative use of evidence presentation at the international level.
Third, somewhere in the range of 20 missions have been carried out in relation to trial proceedings and related investigations. A large number of interviews were conducted by OTP investigators based in the Beirut Office, resulting in an efficient use of resources in relation to both offices.

Fourth, seeking and securing cooperation by States has been, and remains, an important aspect of the OTP’s work. Much of the OTP’s trial work requires State support, for example, to interview witnesses or obtain forensics or technical expertise. The OTP also takes note of the cooperation provided by Lebanon and the good working relationship with the Lebanese Authorities. Continued support is necessary. With the trial well underway, the OTP needs to maintain the necessary levels of support not only to be able to conduct and complete the trial, but also to continue with related investigative work.

Fifth, the Prosecution continued to meet its ongoing disclosure obligations, including providing new exhibits, witness statements and completed translations, as required. In addition, the Prosecution continues to implement recent Orders issued by the Trial Chamber relating to disclosure. Further, the OTP responded during the reporting period to more than 140 separate written requests from the various Defence teams for the inspection of evidence within the OTP holdings.

4. Ongoing investigations within the jurisdiction of the OTP

During the reporting period, the OTP continued its investigations necessary to support the Prosecution case and to consider any evidence regarding others who may be responsible for the 14 February 2005 attack. The Prosecutor remains open to receive any information that might be relevant to any investigative matter within the jurisdiction of the OTP.

The OTP also intensified its investigations into the three terrorist attacks that have been found to be connected to the Hariri attack and deferred to the Tribunal. These are:

- the attempted assassination of Mr Marwan Hamade, the former Economy Minister, on 1 October 2004;
- the assassination of Mr George Hawi, the former head of the Communist Party, on 21 June 2005; and
- the attempted assassination of Mr Elias el-Murr, the outgoing Deputy Prime Minister and former Defence Minister, on 12 July 2005.

These attacks have some similarities, in that the attacks were against political figures, and were carried out by using explosive devices either attached to the car of the victim or placed in a car that exploded as the victim was passing. But there are differences which require distinct investigative strategies.

These attacks have required careful and time-consuming investigations. The OTP is conducting full-fledged investigations in respect of these three cases and the Prosecutor has reinforced the investigative team’s capacities in order to intensify its activities.

A number of different investigative and analytical lines of inquiry are being pursued and progress has been noted. This work remains a priority of the OTP.
If there is sufficient evidence, the Prosecutor will file an indictment before the Tribunal and prosecute, if confirmed.

5. Assessment of potentially related cases

A third component of the OTP’s work concerns other attacks that occurred in Lebanon which may potentially fall within the jurisdiction of the Tribunal. As the OTP has no jurisdiction over these cases at the present, it cannot conduct investigations into them. Unless jurisdiction is sought, these cases remain for the Lebanese judicial authorities to investigate and prosecute.

The role of the OTP is limited to assessing whether any other attacks occurring in Lebanon within the relevant timeframe could be connected to the Hariri attack in the manner required by Article 1 of the Statute. If such attacks have the requisite connection to the Hariri attack, the OTP would take the steps necessary to seek jurisdiction over these cases in accordance with the Statute.

However, one aspect of cooperation, which should be mentioned in this context, is the preparedness and ability of the OTP, where appropriate, to provide material to the relevant Lebanese judicial authorities for their domestic investigations. To the extent possible and appropriate, the OTP is continuing to provide material generated by the United Nations International Independent Investigation Commission or the OTP to the Lebanese judicial authorities. The cooperation and assistance can thus be, in a sense, not only from States to the Tribunal, but also from the OTP to Lebanon.

6. Other ongoing work of the OTP

During the reporting period, the OTP has also dedicated time and resources to other ongoing work, including the following:

- **Contempt cases**: In relation to the ongoing contempt proceedings initiated by the Contempt Judge in April 2013, the OTP has continued to provide support to the court-appointed Amicus Curiae or the Defence when requested and appropriate.

- **El Sayed matter**: In accordance with the Pre-Trial Judge’s Order of 8 October 2012, the OTP submitted in April and October 2015 updated risk assessments for a number of individuals whose statements Mr Jamil El Sayed had requested be disclosed.

- **El Hajj request**: In accordance with the Pre-Trial Judge’s Scheduling Order of 3 February 2015, the OTP filed a response on 26 March 2015 to the submissions of Mr Ali El Hajj in relation to a request to obtain documents in the possession of the Tribunal. The OTP opposed the request on grounds related to the jurisdiction of the Tribunal to rule on the request and the standing of Mr El Hajj before the Tribunal. In his decision of 30 April 2015, the Pre-Trial Judge declared the request inadmissible as Mr El Hajj has no standing before the Tribunal.

- **Support to the Lebanese judicial authorities**: As noted above, the OTP is continuing to provide support to the Lebanese judicial authorities, where appropriate, which may be of assistance to them in relation to cases within their jurisdiction.
• **Management, budget and staffing:** A considerable amount of time and energy is spent by OTP senior management to maintain and, where possible, increase the level of work within the OTP, while retaining staff and reducing the budget. Despite the increase in work and the occasional departure of staff, the trial continues as planned, investigations are ongoing and the extensive behind the scenes work needed to support them continues without disruption.

7. **The Way Forward**

In the coming year, the OTP has two primary objectives and three ancillary objectives.

First, it is to complete the Prosecution case in the *Ayyash et al.* trial in an efficient and expeditious manner, while conducting any necessary related investigations. This primary objective includes being ready to proceed whenever court hearings are scheduled.

The remaining components of the case are technical, complex and anticipated to be time-consuming, not only in their presentation but in the expected lengthy Defence cross-examination. The evidence of 162 witnesses is still to be presented. However, the Prosecution intends to call only 43 of these witnesses to testify in person before the Court. It will be seeking the Court’s permission to present the evidence of the other 119 witnesses in written form, resulting in saved court time. A further 750 exhibits are still to be presented.

Given the volume and nature of the evidence, and the complexity of the case, the presentation of the Prosecution case is expected to continue until the fall of 2016. The exact timeframe is difficult to predict. The timing is based on the OTP’s assessment of the remaining evidence to be presented. But, the completion of the Prosecution case is dependent – to a certain extent – on other factors. It should be noted that some of the time required, particularly in court, is not within the control of the OTP. The Prosecution will be available to sit whenever the Court schedules a hearing. And it will adjust to changes in the court schedule to the best of its ability.

The OTP’s second primary objective is to continue its investigations into the three other terrorist attacks within its jurisdiction. The evidence has been assessed to justify the continuation of these investigations, and the dedicated investigative team has been strengthened in order to intensify its activities. Efforts will be made, where possible, to continue to realign and restructure resources to intensify the work on these investigations. This work remains a priority for the OTP. As noted, if there is sufficient evidence, the Prosecutor will file an indictment before the Tribunal and prosecute, if confirmed.

The OTP has three other objectives in furtherance of its mandate. It will continue, to the extent possible, its preliminary assessment of other potentially related terrorist attacks to determine their connectivity with the 14 February 2005 attack, bearing in mind the jurisdictional and resource constraints. The OTP will also continue to provide support to the Lebanese judicial authorities, where appropriate, by providing any artefacts or analysis that may assist with their own investigation of the cases which remain within their jurisdiction. Finally, the OTP will continue to provide support, when requested and where appropriate, to the court-appointed *Amicus Curiae* or the Defence in the ongoing contempt proceedings.
The workload of the OTP has increased steadily over the last three years, as the Prosecution has moved into the heart of the trial and increased its investigative efforts. This has been achieved while the OTP has effectively reduced its operational budget in each of the last three years. Effective change management, resource allocation and identification of needs have contributed – in addition to the hard work and extra effort of staff members – to the ability to achieve the increased level of work due to the trial and investigations underway. The OTP has maintained this high level of work despite the reduction in the budget and the usual turnover of staff associated with ad hoc institutions.

In the coming year, the OTP will continue to operate on the same management principles and within the limits of the budget. A work plan has been developed to achieve what needs to be done over the remaining period of the mandate. In this regard, the Prosecutor has noted that, if further work is taken on by the OTP, this may have resource implications.

While we are in the midst of trial, there is one aspect of these proceedings that should not be forgotten. This remains a trial in absentia. A trial in absentia is only the second best option and the Prosecutor would stress that we must not lose sight of the need to arrest the Accused and the need to enhance all efforts to do so. The Prosecutor, for his part, will provide whatever assistance possible in the expected continuation by the Lebanese authorities to take all necessary measures to arrest and transfer the five Accused to the Tribunal.
C. Defence Office

1. Introduction

The trial in the *Ayyash et al.* case, which started in January 2014, continued throughout the past year with the presentation of the Prosecution evidence. The Defence Office thus continued to fulfil its mandate in providing operational, logistical and financial support, as well as legal assistance, to counsel for the Defence. Each team was provided with financial and human resources in accordance with the legal aid budget for the entire duration of the reporting period.

The Defence Office also provided support to the Defence teams appointed for the contempt cases before the Tribunal. That support consisted mainly of providing logistical and administrative support for Defence counsel retained privately in the *Al Jadeed S.A.L./NEW T.V. S.A.L. and Karma Mohamed Tahsin Al Khayat* (“Al Jadeed S.A.L. and Al Khayat”) case, and legal, logistical and administrative support for Defence counsel assigned in the *Akhbar Beirut S.A.L. and Ibrahim Mohamed Ali Al Amin* (“Akhbar Beirut and Al Amin”) case.

At the same time, aside from that assistance to all the Defence teams, the institutional activities of the Defence Office were ongoing. At the forefront of these were maintaining relations with Lebanese stakeholders (including the political and security authorities, bar associations, universities, etc.), campaigns to raise awareness among various groups with the aim of promoting the rights of the Defence and the cooperation of States with the Defence, in addition to Defence Office participation in the institutional activities of the Tribunal.

The Defence Office comprises the Legal Advisory Section, the Legal Aid Unit and the Operational Support Unit and has ten staff members to date, with one post under recruitment (that of Liaison Officer in Lebanon). The Head of Defence Office, Mr François Roux, assisted by the Deputy, Ms Héleyn Uñac, supervises all the activities of those sections.

2. Involvement in judicial activities

Throughout 2015, the Defence Office closely monitored the judicial developments in all the cases ongoing before the Tribunal and provided continuous support to the Defence teams, adapting it to their specific needs.

In the *Ayyash et al.* trial, the presentation of the Prosecution evidence continued throughout the year, with the calling of 107 Prosecution witnesses who testified either *viva voce* or in writing before the Trial Chamber. The Defence teams actively participated in the trial by cross-examining almost all of the Prosecution witnesses who testified *viva voce* before the Judges and by filing numerous motions and submissions before the Trial Chamber and the Appeals Chamber. The Defence also continued its investigative work by seeking, in particular, the cooperation of the Lebanese authorities.

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2 This section has been prepared by the Head of Defence Office
In the *Al Jadeed S.A.L. and Al Khayat* case, the trial began on 16 April 2015 with the opening statements by the Parties and continued with the presentation of the evidence from the *Amicus Curiae* Prosecutor, which concluded on 22 April 2015. The *Al Jadeed S.A.L. and Al Khayat* Defence then presented its evidence from 12 to 15 May 2015. The Contempt Judge rendered his Judgment on 18 September 2015, which was appealed by the Parties. The decision by the Appeals Panel in this case is currently pending.

The *Akhbar Beirut and Al Amin* case was in the pre-trial phase throughout 2015. A Pre-Trial Conference was held on 11 December 2015. The trial started on 24 February 2016.

More specifically, the activities of the Defence Office in the context of the proceedings in the *Ayyash et al.* case and in the contempt cases may be summarized as follows:

**Assignment and appointment of counsel and persons assisting counsel**

**Ayyash et al.**

At present, each Defence team has one lead counsel, a co-counsel and a second co-counsel. In the reporting period, after Mr John Jones, Co-Counsel on the Badreddine team, resigned for personal reasons, he was replaced on 21 September 2015, the date of his official withdrawal, by Ms Mylène Dimitri of the Quebec Bar.

**Al Jadeed S.A.L./NEW T.V. S.A.L and Karma Mohamed Tahsin Al Khayat**

The Defence team during the trial was composed of Mr Karim Khan, Mr Rodney Dixon and Ms Shyamala Alagendra. As of October 2015, the proceedings were in the appeals phase. Ms Maya Habli was reintroduced into the team at the request of lead counsel to join him in representing the Accused during the appeals phase. Although Defence counsel appointed in this case do not receive legal aid, they nevertheless have access, just as the other Defence teams, to facilities within the Tribunal, and also receive logistical and sometimes legal support from the Defence Office.

**Akhbar Beirut S.A.L. and Ibrahim Mohamed Ali Al Amin**

Mr Antonios Abou Kasm, lawyer at the Beirut Bar, continues to defend the interests of the Accused in this case, for which the start of trial was postponed from 28 January 2016 to 24 February 2016 at the request of the *Amicus Curiae* Prosecutor. It should be noted that, to date, the Accused refuse to appear and to appoint counsel. Mr Antonios Abou Kasm was thus assigned by the Head of Defence Office on the instructions of the Contempt Judge.

Mr Abou Kasm is therefore working within the legal aid programme of the Defence Office. A highly-qualified legal officer and a case manager were also recruited to assist lead counsel.

**Legal Aid Unit**

2015 was marked by the adoption of amendments to the Legal Aid Policy for Defence after discussions with the President, the Registrar and the members of the Management Committee. Those amendments essentially related to the introduction of the possibility of part-time work for Defence counsel and the inclusion of measures to ensure more efficient legal aid management.
All counsel in the Ayyash et al. case are assisted by a team, composed generally of a legal officer, a case manager and an analyst. Depending on their specific requirements, lead counsel have also recruited support staff such as evidence review assistants and legal officers. Furthermore, the Defence teams have called upon expert consultants to assist them in the analysis of the Prosecution case.

Decisions relating to the appointment of persons assisting counsel are made by the Head of Defence Office and implemented by the Legal Aid Unit. In the reporting period, the Legal Aid Unit responded to some 700 requests from counsel, including requests for travel on mission, assignment of staff or experts and requests for payment of legal fees and travel expenses. Each request involves a decision-making process prescribed by the Legal Aid Policy, and balancing the interests of the accused against the constraints of the available budget to determine whether the request is reasonable and necessary for the preparation and presentation of the Defence case.

Operational Support Unit

The Operational Support Unit dealt with 36 official requests for assistance addressed to the Lebanese authorities from the Defence teams. It also provided support to Defence counsel in organizing their investigation missions.

Legal Advisory Section (“LAS”)

- Daily monitoring of the written and oral proceedings at the STL

The LAS closely monitored the ongoing proceedings by providing legal analysis of all the written motions and decisions filed before or by the Chambers and attending all the hearings in the Ayyash et al. case and in the contempt cases.

This daily monitoring allowed the LAS to identify the legal issues likely to impact upon the rights of the Defence and thus to be ready to respond appropriately to requests from counsel and from the Head of Defence Office for research and legal advice, as well as any requests from the Judges and Chambers.

It also allowed the LAS to inform the Head of Defence Office and the other members of the Office in real time of the progress of the proceedings in all the ongoing cases, so that the assistance provided by the Defence Office, both in terms of human resources and financial and logistical resources, could be suitably adapted.

Lastly, LAS attendance at the hearings and the daily monitoring of the cases enable it to assist the Head of Defence Office in ensuring that the accused are effectively represented by Defence counsel assigned for that purpose.

- Support for the Defence teams

This year, the LAS responded to numerous formal applications for legal support from the Defence teams (in the form of advisory opinions, memoranda, briefs, draft submissions and appeal briefs for the Defence teams) regarding aspects of international law, Lebanese law and comparative law. LAS staff members also regularly provided advice to the teams on a more informal basis.
The LAS also organized training sessions, at the request of counsel, specifically designed to meet their requirements in relation to particular issues around the procedure applicable before the Tribunal and in cross-examination.

In order to reduce as far as possible the period of adaptation for new members of the Defence teams, the LAS organized information sessions for new staff members and newly-arrived interns, which concentrated in particular on the role of the Defence Office, the state of progress of the various cases and the law applicable before the Tribunal, as well as the Tribunal’s case law.

Moreover, the LAS updated its casebook of decisions rendered by the Pre-Trial Judge, the Trial Chamber, the Appeals Chamber and the Contempt Judge, in order to be able to respond rapidly to questions from the teams relating to Tribunal case law and thus facilitate the drafting of their motions and other documents filed before the Tribunal.

Lastly, through its case manager, the LAS participated in a large number of technical meetings with the other organs of the Tribunal and organized specific defence technical training sessions in order to facilitate as far as possible the work of the Defence in matters of a technical nature (for example, “Electronic Presentation of Evidence” software).

- **Legal support for the Head of Defence Office**

The LAS provided the Head of Defence Office with a significant number of internal legal opinions concerning specific aspects of the ongoing proceedings, implementation of provisions relating to the mandate of the Defence Office and other issues relating to the institutional activities of the Defence Office.

LAS staff members also assisted the Head of Defence Office and his Deputy in the preparation of oral and written observations presented before the Judges or Chambers and they also intervened in court when specific questions were asked of the Defence Office, on issues pertaining to its mandate or matters of general interest for the Defence teams, in relation to the fairness of the proceedings or the rights of the accused.

The LAS also assisted the Head of Defence Office in making and commenting on proposals to amend the Tribunal’s Rules and attended, together with him, the Judges’ Plenary sessions in February and November 2015.

- **Participation in training and awareness-raising events organized by the Defence Office**

LAS staff members actively contributed to the Tribunal’s awareness-raising events, in particular by presenting the mandate of the Defence Office and the work of the Defence teams to the many university and other groups which visited the Tribunal in 2015.

They likewise assisted the Head of Defence Office and his Deputy in drafting speeches and preparing interventions which were presented at awareness-raising events.

In the reporting period, the LAS also helped to arrange a training seminar for criminal law lawyers from The Hague Bar Association which was held at the Tribunal on 13 February 2015. The LAS also organized
two days of training for the counsel newly-admitted to the list of Defence counsel on 30 June and 1 July 2015.

Lastly, the staff members of the LAS actively participated in the organization and success of the Third International Meeting of Defence Offices and Sections which was held in Geneva on 22 and 23 October 2015.

**Submissions pursuant to Rule 57 (F)**

In the *Ayyash et al.* case, the Head of Defence Office filed submissions in support of the request from the Defence for Messrs Badreddine, Merhi and Oneissi seeking to change the conditions imposed on the assignment of Mr Omar Nashabe. The Head of Defence Office and the Head of the LAS also made oral submissions relating to that request in court on 14 and 15 October 2015.

After the Trial Chamber dismissed the Defence request, the Head of Defence Office supported the request from the Defence teams for certification to appeal the decision of the Chamber.

The Head of Defence Office also filed submissions before a Contempt Judge in response to a motion by the *Amicus Curiae* Prosecutor filed before him which sought leave for disclosure of a confidential document issued by the Defence Office.

The Deputy Head of Defence Office also made oral submissions during the Pre-Trial Conference of 11 December 2015, in the case of *Akhbar Beirut and Al Amin*, in support of the Defence which was opposing, in particular, the postponement of the trial as well as a motion to amend the Order in Lieu of an Indictment submitted by the *Amicus Curiae* Prosecutor.

**Cooperation**

The Defence Office established contact with the embassies of a number of States with a view to seeking their cooperation and assistance in response to specific Defence requests.

The Head of Defence Office also met several times during his visits to Lebanon with Lebanese officials, including the Lebanese Prime Minister and the Minister of Justice, as well as the Director of the General Security, as part of efforts to achieve closer cooperation with the Defence teams.

3. **Regulatory framework**

The Defence Office was involved in the work of the Rules Committee in February and November 2015.

In February 2015, the Defence Office sought the amendment of Article 9 of the Directive on the Appointment and Assignment of Defence Counsel.

Article 9 provided that, in addition to the Head of Defence Office, the admission panel be composed of two lawyers appointed respectively by the Head of Defence Office and by the Tribunal’s President, after consulting with the Lebanese bar associations. The Defence Office proposal consisted of entrusting solely to the Head of Defence Office the appointment of the two admissions panel members
in order to safeguard the independent nature of the Defence Office mandate provided for by Article 13 of the Statute. Article 9 provides nevertheless that, to appoint those two admissions panel members, the Head of Defence Office may consult with the bar associations to which these lawyers belong.

The Defence Office did not propose any amendment to the Rules in November 2015; rather it commented on the proposals made by the other organs.

4. List and training of counsel

In the reporting period, ten new applications were received and the panel held nine interviews on 15 and 16 December 2015. As a result, eight counsel were admitted to the list of counsel, six of whom were admitted as lead counsel and two as co-counsel. During the last twelve months, two counsel requested to be withdrawn from the list. At the end of the reporting period, the list contained 166 counsel. They practice in 79 different national jurisdictions.

On 30 June and 1 July 2015, the Defence Office organized two days of training for the counsel newly-admitted to the list of Defence counsel. That training included an overview of the case law and significant decisions of the Tribunal, presentation of the legal, cultural and political framework of Lebanon, presentation of the role of the Defence Office and the Legal Aid Policy, a roundtable discussion with counsel in the Ayyash et al. case, presentation of the courtroom by the Registry and practical moot court exercises.

In December 2015, at the behest of the Head of Defence Office, Mr Benoit Henry, a lawyer at the Quebec Bar who was recruited as consultant, met the members of the Defence teams in the Ayyash et al. case as part of efforts to make permanent improvements to the management strategy in regard to them. That consultation is a continuation of the team monitoring process undertaken by the Defence Office since 2013.

5. Press, public affairs and outreach activities

The Defence Office organized two missions to Lebanon in May and September 2015. Apart from the follow-up meetings with stakeholders, the primary objective of the first mission was to take part in two conferences: one organized in Tripoli by the Tripoli Bar in the presence of senior political, religious, civilian and military officials of north Lebanon, and the other organized by the Faculty of Law of the Lebanese University in Beirut. The Head of Defence Office then travelled to Mleeta in south Lebanon. The purpose of the second mission was to meet with numerous stakeholders, such as the Prime Minister, the Minister of Justice, the Chairs of the Beirut and Tripoli Bar Associations, newly-appointed Ambassadors to Lebanon and other officials such as the Director of the General Security, Mr Abbas Ibrahim, who received the members of the Defence Office at his home in south Lebanon. The Head of Defence Office also participated in several conferences, including one at the Maison de l’Avocat in Beirut at the request of the Bar Association’s committee responsible for international criminal justice and monitoring of the judicial activities of the STL. The objectives of these missions were twofold: to encourage the Lebanese Government to assist the Defence in its investigations and to sustain continued efforts to communicate information about the rights of the Defence and the role of Defence counsel and the Defence Office at the Tribunal.
At the beginning of February 2015, the Head of Defence Office was invited to a conference in Tunisia organized at the Maison de l’Avocat in Tunis on the topic “Le crime politique face à la justice pénale internationale” [translation: “Political crime versus international criminal justice”].

In March 2015, the Head of Defence Office, accompanied by his Deputy, travelled to New York to meet with the members of the Management Committee, as well as the UN Under-Secretary-General for Legal Affairs. In that same month and at the invitation of the ICC, the Head of Defence Office also spoke in his capacity as an expert on defence matters in connection with the “ReVision” project.

On 2 July 2015, the Head of the Defence Office met the UN High Commissioner for Human Rights, Mr Zeid Ra’ad Al Hussein, in Geneva.

On 21 October 2015, the Head of Defence Office took part in a debate in Geneva organized by the Faculty of Law on the topic “Défendre devant les juridictions pénales internationales: Quels défis ? Quels enjeux ?” [translation: “Defending before the international criminal courts: challenges and implications”], in the presence of Mr Olivier de Frouville, professor and member of the UN Committee on Human Rights and Mr Alain Werner, a lawyer based in Geneva.

On 22 and 23 October 2015, the Defence Office organized the Third International Meeting of Defence Offices at the Geneva University Faculty of Law in the UNIMAIL building in Geneva. The aim of that meeting was to bring together the defence offices and sections of the international criminal jurisdictions, counsel for the Defence and representatives of lawyers’ associations to share experiences, propose solutions to improve the capabilities of the defence, and reflect on how best to maintain and promote an effective defence in the field of international criminal justice. The presence of Mr George Jreij, Chair of the Beirut Bar Association, of Mr Fahd Mokaddem, Chair of the Tripoli Bar Association, of Mr Salim Jreissati, lawyer, former Constitutional Judge and former Lebanese Minister for Employment and of Mr Jean-Marc Carnice, Chair of the Geneva Bar Association, was a testament to the interest those bar associations have in these issues. The discussions were opened by the Chair of the Geneva Bar Association, as well as by Ms Christine Chappuis, Dean of the Faculty of Law of Geneva University, and Mr Nicolas Michel, President of the Board of the Geneva Academy of International Humanitarian and Human Rights Law, who then gave a presentation on the history of international criminal justice, and in particular of the establishment of the STL.

6. The Way Forward

The next reporting period will see the continuation of the presentation of the Prosecution evidence in the main case. Apart from the absence of the Accused, counsel for the Defence and the Defence Office are now faced with a challenge that was not envisaged when counsel accepted their appointments, which is the length of the proceedings and the implications it has on their professional activity.

The activities of the Defence Office in 2016 will therefore be focused on adapting the assistance provided to the Defence teams in that context, and on ensuring that the Accused in the Ayyash et al. case and in the contempt cases continue to be represented effectively.
Undoubtedly, the Ayyash et al. case and the Akhbar Beirut and Al Amin trial will raise a large number of procedural questions, on which the Defence Office’s LAS will continue to assist. Training opportunities for counsel appointed in those cases and for their teams will continue to be organized by the LAS.

From the perspective of legal aid, it is expected that available resources will be fully utilized in 2016 following the adoption of the budget approved by the Management Committee.

The Operational Support Section is also likely to be in greater demand, with increased Defence investigative activity and requests for cooperation, and increased needs for operational support for trial proceedings.

The Head of Defence Office will also continue to support the Defence at the institutional level. He will contribute to activities conducted with the other organs, especially through the Senior Management Board. He will in particular work with the other organs on establishing a transition plan and on the risk management strategy for the Tribunal. In so doing, the Head of Defence Office will strive to ensure that the legal, cultural and linguistic diversity that constitutes the richness of the STL is respected within the institution and is an asset for speedier trial proceedings and for the legacy that the STL will transmit to Lebanon. The Defence Office will also organize the Fourth Meeting of Defence Offices and Sections of the International Criminal Jurisdictions in collaboration with representatives of the other international criminal tribunals and lawyers’ associations. These annual meetings are a major occasion for the promotion of the rights of the defence within the international jurisdictions. The 2016 meeting is scheduled to take place in London.

The Head of Defence Office will continue to hold meetings with the UN Under-Secretary-General for Legal Affairs and with members of the Management Committee, and to maintain relations with professional lawyers’ associations in Lebanon and beyond.
D. Registry

1. Introduction

The Registry is mandated to provide support to the Chambers, the Office of the Prosecutor (“OTP”) and the Defence Office in order to facilitate their functioning and ensure that the Tribunal is in a position to expeditiously carry out its mandate in the most cost-efficient manner.

Over the past twelve months, the Registrar focused on ensuring that all sections under his responsibility were equipped to support trial proceedings in the Ayyash et al. case, as well as to provide logistical and judicial support to the two contempt cases before the Tribunal. The Registry continued to assist the Chambers, the OTP and the Defence Office, as well as the Legal Representative of Victims (“LRVs”) in all areas relating to the ongoing judicial proceedings, including: court management; translation and interpretation; information technology and security; and public information and communications. Finally, the Registrar ensured that fiscal restraint was exercised throughout the Tribunal in order to operate with utmost efficiency and with minimal costs. The Tribunal was able to continue its work thanks to the contributions of Lebanon, other donor States and the European Union (“EU”).

2. Judicial support

(i) Court management

The Court Management Services Section (“CMSS”) supported the Chambers, the OTP, the Defence Office and other participants with the filing of submissions and orders in the Ayyash et al. case, the Matter of El Sayed and the Matter of El Hajj. It further worked in close collaboration with the Amicus Curiae Prosecutor, two Defence teams, the Contempt Judge and an Appeals Panel in addressing issues related to the two contempt cases, and collaborated with relevant entities for the delivery of the Tribunal’s first judgment. In addition, the CMSS continued drafting documents detailing internal procedures to be followed for the efficient administration of justice.

During the reporting period, the CMSS processed 1,148 filings, corresponding to 12,891 pages of official court documents. Many of those filings were later translated into all three official languages of the Tribunal. It also implemented the processing and delivery of daily transcripts in the three languages for each court session.

The CMSS provided support for the trial in the Ayyash et al. case and in the contempt cases against Ms Karma Mohamed Tahsin Al Khayat and New TV S.A.L. (“STL-14-05”) and Mr Ibrahim Mohamed Ali Al Amin and Akhbar Beirut S.A.L. (“STL-14-06”), including a Court Officer and a Courtroom Clerk at each hearing in Leidschendam, as well as a Court Officer to support hearings when witnesses testified from the Tribunal’s

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3 This section has been prepared by the Registrar.
Beirut Office. During the reporting period, the Tribunal completed 145 hearing days and supported the testimony of 75 witnesses in three proceedings.

The role of the Senior Document Management Assistant and the Translation Requests Control (“TRC”) team is to control the conformity of all incoming requests and to search for existing translations which match or appear relevant to new translation requests, before forwarding these to the Language Services Section (“LSS”). The aim of this function is to avoid duplication of work and thereby reduce processing times and costs. The TRC team processed 2,233 requests submitted during the reporting period for a total of 21,725 pages. This resulted in the cancellation of 1,350 pages, thus saving 270 translator working days or EUR 60,750. A total of 6,362 pages were also identified as having been previously translated (partial duplication). The detection of these duplicates represents a saving of approximately 1,272 translator working days or EUR 171,774.

To improve support for the Judicial Cooperation function, the Legal Officer for Judicial Matters post was relocated in April 2015 to Beirut. The Legal Officer for Judicial Matters provided in-person legal capacity, particularly with respect to service/receipt of legal documents, assisting in the service of documents to various officials in Lebanon and facilitating the service of the Judgment in case STL-14-05 on the Accused.

(ii) Language Services Section

The LSS operates at the seat of the Tribunal and at the Beirut Office. It provides language services to all organs in the Tribunal’s three official languages, and other languages as required.

During the reporting period, interpretation services were provided primarily in support of courtroom hearings, but also for ongoing investigations in the field, as well as outreach, press and training events. Over the last year, those services amounted to 1,561 interpreter-days. The LSS also assisted with the transcription of audio recordings totalling approximately 4,687 audio-minutes and provided language assistance in various forms on a large scale.

Demand for translation considerably exceeded expectations over the reporting period. Translation amounting to approximately 31,619 pages was delivered by the LSS based on a translation prioritization scheme set by the Registrar.

Other activities that the LSS undertook during the past year included: implementing a standardized system to monitor the quality of translation by external translators; upgrading and expanding the use of its automated translation management tool; developing repositories of terminology for language professionals; extending the use of a shared freelance interpreter availability monitoring tool between international courts, enabling the Interpretation Unit to conduct recruitment of external interpreters more efficiently; providing a comprehensive programme of training sessions for the LSS staff; expanding the roster of qualified, security-cleared freelance language professionals; and cooperating with other international courts and organizations in the areas of interpretation, technology, training, staff loans (from the UN Office in Geneva) and policy development.
(iii) **Victims and Witnesses Unit**

The Victims and Witnesses Unit ("VWU") continued to support the Tribunal’s proceedings, *inter alia*, by ensuring the secure and timely attendance and appearance of nine victims and 58 witnesses in the *Ayyash et al.* case during the reporting period, 27 of whom testified (or re-tested) via video-conference link; twelve witnesses in the STL-14-05 case; and five witnesses in the STL-14-06 case. The VWU benefited from the support and cooperation of States that were approached to assist in this regard. The VWU maintained its operational capability to provide protection, support and emergency response services to victims, witnesses and others at risk on account of their interaction with the Tribunal, and continued to seek support and cooperation of States in this field. The fragile security situation in Lebanon and in the region, the demanding operational environment and the continued potential risks to victims and witnesses remained a key challenge. The support from States to ensure effective and sustainable witness protection and support arrangements, in the form of relocation agreements and other types of operational assistance, remains of vital importance for the success of the Tribunal. The VWU maintained the required analytical and risk assessment procedures enabling it to independently review and assess requests for procedural protective measures introduced in the proceedings by the OTP, the Defence or the LRVs.

(iv) **Victims’ Participation Unit**

The Victims’ Participation Unit ("VPU") continued supporting and monitoring the work of the LRVs regarding Victims Participating in the Proceedings ("VPPs") over the past year. It administered the Tribunal’s legal aid policy for victims and continued to respond to numerous requests from the LRVs concerning various legal aid matters. In addition to its core responsibilities relating to the VPPs, the VPU administers the funds available for use by the *Amicus Curiae* Prosecutor in the ongoing contempt matters and provides administrative management and support to the *Amicus* team.

The VPU continues to receive applications from victims wishing to participate in the proceedings. During the reporting period, two new applications were filed and transmitted to the Pre-Trial Judge for determination. The Pre-Trial Judge issued his seventh decision on victims’ participation in which he granted the status of participating victim to two additional victims, raising the number of VPPs in the *Ayyash et al.* case to 72.

The VPU also continues to facilitate the attendance of victims at sessions of the *Ayyash et al.* trial in Leidschendam. This involves substantial collaboration with other sections of the Registry, especially the VWU, in order to ensure appropriate facilities and support to meet the needs of VPPs. Nine victims and one accompanying person attended the proceedings during the reporting period, all of whom received financial assistance from the Tribunal.

In November 2015, the Chief of the VPU and the VPU Legal Officer conducted a three-day mission in Beirut, during which they met with counterparts in the Lebanese legal community, the leadership of non-governmental organizations ("NGOs") and the governmental officials who may be engaged with the VPU in the implementation of its evolving legacy strategy for the victims after the Tribunal concludes its judicial work. The VPU is currently developing this legacy strategy in collaboration with other relevant sections and in consultation with Registry senior management.
Also, the VPU assisted and facilitated several LRVs missions to Beirut, during which the LRVs met with victims and potential witnesses in preparation for their testimony.

*(v) The Information Services Section*

During the reporting period, the Information Services Section (“ISS”) further established itself as a unified provider of all information-related services and continued to provide comprehensive support to the Tribunal’s organs, as well as Defence teams, to enable them to pursue their respective functions.

The largest ISS component – the Information Technology and Courtroom Support Unit – continuously provided the Tribunal’s required IT support and services. This not only contributed to an uninterrupted and efficient running of hearings and capturing of court records, but also facilitated the smooth operation of the Tribunal’s administrative services.

A considerable proportion of the Tribunal’s IT infrastructure was renewed during the reporting period and this achievement ensured the appropriate conditions for the provision of stable IT services for the remainder of the Tribunal’s mandate. In addition to upgraded data storage and disaster recovery hardware, the comprehensive upgrade of the audio-visual equipment, including courtroom cameras, paved the way for broadcasting HD quality video and audio from the courtroom. The migration of the Tribunal’s email system to a new platform and the upgrade of its enterprise records-keeping system for judicial records (Legal Workflow) are in progress.

The Legal Workflow System is now in its fourth year of stable operation and, in the last year, the system has been enhanced with many new capabilities to increase efficiency, such as new contextual search and connected filings capabilities. During the reporting period, the Legal Workflow System processed 6,457 filings, contained 8,528 pieces of evidence, and stored 178,016 documents.

In 2015, a new Information Security vulnerability assessment was undertaken and technical recommendations arising from that exercise have been implemented to ensure that the Tribunal remains secure against cyber-attacks and other threats to its information.

The Information Management Unit (“IMU”), which consists of the Archives & Records Team and the Library, continued to provide operational support, as well as advisory and educational services, to all of the Tribunal’s sections. Among other activities, it provided operational support in digital preservation, training and preparation for necessary long-term infrastructure.

The Library responded to high demand from staff members, including 1,385 walk-in visits, 1,771 items consulted or loaned, 1,494 research assistance requests and 8,714 intranet page visits.

In addition, the Library continued its participation in the UN System Electronic Information Acquisition Consortium, and organized five training sessions, including one for the Beirut Office. During the reporting period, the Library produced one new bibliography on subjects of interest to the Tribunal and updated three existing bibliographies. The Library also coordinated the Tribunal’s effort to make its

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4 Legal Workflow is the Tribunal’s judicial information system, which allows for the effective administration of judicial information and processes at all stages of a case.
jurisprudence as widely available as possible, providing 1,819 of the Tribunal’s public records and the associated metadata for inclusion in the International Criminal Court’s Legal Tools database, raising the total number of the Tribunal’s documents publicly available through the Legal Tools database to 4,790.

Professional contacts and knowledge exchange are maintained with peers from other international courts and tribunals. In June 2015, the IMU organized and hosted a conference of information managers in international organizations in the Netherlands.

(vi) Security and Safety

The Tribunal’s Security and Safety Section (“SSS”) continued to support the operational functions of all Tribunal organs by effectively and efficiently providing and facilitating the necessary levels of security and safety of their respective personnel and programmes in Leidschendam and Beirut, as well as of the Tribunal’s facilities and assets.

In the reporting period, the SSS provided security support during court days (1,603 persons visited the public gallery), as well as on an extensive number of missions.

In addition, the SSS provided: security awareness induction briefings for 91 new Tribunal staff; 101 travel and pre-mission briefings; 254 personal security clearances; 33 weekly/biweekly Threat Analysis Reports; and access control for over 3,000 visitors to the Tribunal.

The SSS prioritized the security, safety and well-being of staff and assets in compliance with the Security Management Framework, which regulates the strategic direction and governance of security at the Tribunal.

The challenges during the reporting period were successfully met and objectives were achieved with cost efficiencies despite the ongoing insecurity in Beirut. The SSS has set its sights on continuous improvement, including cost effective and efficient solutions to ensure the safety and security of personnel and premises, to best support the Tribunal’s goals in 2016.

(vii) Public Information and Communications Section

The Public Information and Communications Section (“PICS”) consists of the Outreach and Legacy Unit, based in Beirut, and the Public Affairs Unit, based in Leidschendam. In addition, communications with the media are handled by the Tribunal’s Spokesperson.

Outreach and Legacy

During the reporting period, the PICS continued to explain the work of the Tribunal within the broader context of international justice. This was achieved through events, lectures and an academic course. The target audiences of the Tribunal's outreach activities included the legal community, academics, students and NGOs.

One highlight was the launch of the translation of former Tribunal President Antonio Cassese’s “International Criminal Law” into Arabic. It is the first textbook in Arabic dedicated entirely to this important area of law. The event was co-organized by the Swiss Embassy in Lebanon and Sader Legal
Publishing, and was attended by more than 300 lawyers, judges, academics and representatives of NGOs. The event included a panel discussion on international criminal law and its relevance for Lebanon and the MENA region. In October 2015, the President participated in UN Day celebrations and delivered a lecture on “The Place of Victims in International Criminal Justice” at the American University of Beirut, attended by approximately 200 students and professors.

The Tribunal’s Inter-University Programme on International Criminal Law and Procedure continued for the fifth academic year. This year, the Lebanese American University joined the programme, which is organized in cooperation with the T.M.C. Asser Institute. This brings the number of participating institutions to nine and the number of currently enrolled students to almost 220. The first and third lectures of the course were delivered in person by the President and Prosecutor, respectively, allowing for direct interaction with over 200 Lebanese university students. The programme is provided at no cost to the students.

Public Affairs

The Tribunal’s website remains the principal source of information about the Tribunal for the public in Lebanon and further afield. In the reporting period, the website received nearly 250,000 visits, with the highest number of visitors coming from the Netherlands and Lebanon. The video and audio streaming of the trial proceedings were also popular, with most viewers coming from Lebanon. In the last quarter of 2015, the PICS initiated a comprehensive review of the website, a process which is expected to continue through at least the first quarter of 2016.

Social media is a potent tool to communicate the Tribunal’s work. In the reporting period, the number of the Tribunal’s Twitter followers exceeded 21,800, the second highest number of followers among international criminal tribunals, and the Tribunal’s Twitter account was visited more than 66,500 times. In July 2015, the Tribunal launched a LinkedIn page, with the aim of reaching out to professional networks, and the Tribunal’s activities increased on its Facebook, YouTube, Flickr and Scribd accounts. Additionally, a series of videos were launched on the website to address specific topics pertaining to the Tribunal. The PICS continued to disseminate the Tribunal’s publications in Arabic, English and French, including the “STL Bulletin”, which provides an overview of developments at the Tribunal on a monthly basis. It also created case information sheets for the contempt cases. Finally, the PICS organized some 63 group visits to the Tribunal, where visitors received briefings and a tour of the courtroom. Groups included judges, academics, students and professional bodies, as well as representatives of government and international organizations. In total, there were 1,554 visitors from 94 countries.

Press

Public interest and coverage of the Ayyash et al. trial varied according to the different stages of the case. However, in Lebanon hearings are covered in the main media outlets on a daily basis. During the reporting period, 30 press releases and media advisories were published about the work of the

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5 The initial eight participating universities are American University of Science and Technology, Beirut Arab University, Notre Dame University, American University of Beirut, Université La Sagesse, Université Libanaise, Université Saint-Esprit de Kaslik and Université Saint-Joseph.

6 Half of the Tribunal’s Twitter audience is based in Lebanon.
Tribunal. The Press Office and the Spokesperson answered more than 70 queries from journalists, including those in Lebanon and the wider region. The Spokesperson regularly went on mission to brief on the latest judicial developments and, following the first contempt trial and judgment, the Spokesperson gave ten interviews, mainly in Lebanon, to explain the proceedings. The PICS also helped facilitate press interviews given by the Principals to numerous Lebanese, Arab and international media outlets.

3. Immediate Office of the Registrar

(i) External relations

Throughout the reporting period, bilateral meetings were held by the Office of the Registrar with representatives of the diplomatic community in The Hague, Beirut, New York and elsewhere to seek continued cooperation and support.

The Registrar travelled to Beirut in June 2015 to provide information on the Tribunal’s activities and express gratitude to the Lebanese Government for its continued cooperation and assistance to the Tribunal. He undertook follow-up missions in August and December 2015 to meet with key interlocutors.

In May 2015, the Registrar travelled to Washington D.C. and New York for fundraising purposes. In October 2015, the Registrar travelled to New York to present the Tribunal’s 2015 budget to the Management Committee. In the course of these missions, the Registrar held 23 meetings, including with members of the Management Committee, representatives of donor states and UN departments. In February 2016, the Registrar travelled to New York to update the Management Committee and the Group of Interested States on the Tribunal’s work, as well as its future priorities.

The Registrar held regular meetings with the diplomatic community for fundraising purposes, including a diplomatic briefing hosted by the Canadian Ambassador in January 2016. In addition, in December 2015, the Registrar briefed EU officials and representatives of its member States.

The Registry enjoyed the continued cooperation and support of the Government of the Kingdom of the Netherlands, including in relation to the Tribunal’s premises, its external security, the issue of visa and residence permits and other matters.

(ii) STL premises outside the Netherlands

Beirut Office

Throughout the reporting period, 64 Tribunal staff members remained posted in Lebanon to cater for the volume and high pace of work in the Beirut Office. Regular missions to Lebanon by Leidschendam-based staff and the Tribunal’s Principals ensured that the Organs were adequately represented in the Beirut Office.
In total, the Beirut Office supported close to 80 missions to Lebanon by the Principals and staff members from the Chambers, the Registry, the OTP and the Defence Office, as well as the Amicus Curiae Prosecutor. In addition, the Registry in Beirut provided the necessary administrative, logistical and security assistance to the work of resident Prosecution and Registry staff.

Specific Beirut-based activities continued in the areas of outreach, victims’ participation and the VWU.

The Beirut Office also continues to support the CMSS and, in the Ayyash et al. trial, evidence has been heard remotely from the Beirut Office.

The external relations function of the Beirut Office remains a key element of the Registry’s work in Beirut. The main case and the contempt proceedings bring significant attention on the Tribunal in Lebanon which necessitates engagement with national figures, members of the diplomatic community and UN representatives.

**New York Liaison Office**

In New York, the Liaison Office supported the Management Committee in its consideration of the Tribunal’s financial and administrative matters, including by providing background information and responding to the queries of the Management Committee’s members. The Liaison Office also regularly updated the Management Committee’s members about the Tribunal’s relevant developments. The Liaison Office continued to offer political advice to the Registrar and to coordinate fundraising in New York. It also ensured that interested States, UN departments and NGOs were informed of the work and challenges of the Tribunal. Finally, the Liaison Office helped organize visits of representatives of the Registry, the OTP, the Defence Office and the Chambers to New York, Washington D.C. and Ottawa throughout the reporting period.

**(iii) Inter-organization cooperation**

During the reporting period, the Tribunal enjoyed continued cooperation with the international courts and organizations based in The Hague, including an information sharing session; joint training sessions for Registry sections; collaborative organization of outreach events; loaning of staff members on a reimbursable basis; technical support; assistance in language services; and inter-library loans. Such mutual assistance contributed to internal cost efficiencies.
4. Administrative support

(i) Budget and funding

The Tribunal budget for 2016 was approved at EUR 62.8 million. As in the past, the 2016 budget is based on parameters set through intensive consultations with the Tribunal’s Principals. Budget-limiting measures focused on areas that have the least detrimental effect on the Tribunal’s anticipated judicial activities.

While the 2016 budget mirrors the 2015 budget in terms of required resources for core operations, in 2016 several factors outside the Tribunal’s control led to an increase in budget, such as the strengthening of the U.S. Dollar against the Euro and the required reimbursement of income taxes for certain nationals. Significant effort was made to offset the impact of these factors through reductions, and this allowed the Tribunal to drastically limit the increase in budget. Excluding the impact of the factors outside the Tribunal’s control which led to the increase in budget, the 2016 budget reflects a decrease of approximately EUR 1.9 million (3.1%), compared to the 2015 budget.

The External Auditor of the Tribunal certified its sixth audit and the Tribunal successfully implemented 98% of the External Auditor’s recommendations. Additionally, the Tribunal’s internal audit and risk management programmes were fully operational in 2015. During the reporting period, the internal auditors conducted four audits, covering various areas of the Tribunal’s activities and operations, which received positive evaluations.

Since 2009, 28 countries and the EU have contributed to the Tribunal, either through voluntary contributions or in-kind support. These countries include Lebanon, Australia, Austria, Belgium, Canada, Croatia, the Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, the Russian Federation, Sweden, the Former Yugoslav Republic of Macedonia, Turkey, the United Kingdom, the United States of America, Uruguay and other states.

(ii) Recruitment of staff

By the end of the reporting period, 456 personnel were employed by the Tribunal, 64 of whom work in the Beirut Office. Sixty-four nationalities are represented at the Tribunal. Sixty-nine staff members are Lebanese, increasing the representation to 15% of the total number of staff. The gender distribution remains 46% female and 54% male.

In addition, 68 interns participated in the work of the Tribunal during the reporting period. Efforts continue to increase the interest of Lebanese students to participate in the internship programme. The National Visiting Professionals programme provides Lebanese lawyers the opportunity to gain experience working at the Tribunal.

(iii) Procurement

Increasingly, the role of the Procurement Section has been of a strategic and advisory nature. It plays an instrumental role in ensuring that the Tribunal’s resources are used efficiently and that the Tribunal
adheres to the best value for money principle. During the reporting period, the Procurement Section’s contributions included successful completion of critical projects in support of courtroom activities.

There has been further strengthening of fruitful relationships with internal stakeholders and key suppliers through cooperation and continued monitoring. This has greatly facilitated the smooth running and annual renewal of critical contracts.

5. The Way Forward

In the coming year, the Registrar’s priorities will remain to ensure that the Tribunal receives the financial support and cooperation required to fulfil its mandate. In particular, he will seek to:

(i) ensure that the Registry sections responsible for providing support to the judicial proceedings continue to support trial activities;
(ii) continue to provide support to the Chambers, the OTP, the Defence Office, the LRVs and the Amicus Curiae Prosecutor;
(iii) ensure that fiscal responsibility is exercised throughout the Tribunal and the Tribunal’s operations are undertaken with utmost efficiency and minimal costs;
(iv) implement the Tribunal’s fundraising strategy;
(v) continue to seek arrangements with States on the relocation of witnesses and the enforcement of sentences;
(vi) enhance press, outreach and legacy activities in Lebanon and elsewhere with a view to providing accurate and timely information about the next stages in the Tribunal’s work; and
(vii) plan and strategize for the Tribunal’s future priorities.
The Tribunal’s primary responsibility continues to be completing the Ayyash et al. case. As detailed above, the Prosecution presented much of its evidence-in-chief during the reporting period. In the year ahead, the Prosecution aims to conclude this phase, while advancing ongoing investigations into connected attacks.

In fulfilling its mandate, the Tribunal must be accountable to the people of Lebanon and the international community. This requires, principally, the expeditious and just conduct of the Tribunal’s proceedings. It further demands the efficient use of the Tribunal’s resources. To achieve these, the Principals, the Judges, staff members and all others involved in the Tribunal’s activities must hold themselves to the highest professional standards. In turn, it is essential that the Tribunal provide the support necessary to elicit the best efforts from its people. As a temporary institution, this includes having transition plans in place as the Tribunal moves closer to completing its judicial work.

The Tribunal’s principal legacy must be delivering justice for the victims of the attacks within its jurisdiction, while ensuring a fair trial for the accused. Its impact, however, is not limited to the outcome of cases. Through its proceedings, as well as its outreach, the Tribunal is able to expose the Lebanese judiciary and broader legal profession to the principles of international criminal justice it strives to apply. In doing so, the Tribunal facilitates greater understanding of and respect for these principles. Indispensable to this process are the Tribunal’s Lebanese personnel, whose experience with the Tribunal has the added benefit of increasing legal capacity in Lebanon.

The Tribunal’s legacy will also reach beyond Lebanon. Notably, the novel synthesis of common law and civil law traditions in the Tribunal’s procedural and evidentiary rules, and the improvement of these rules over time, can be instructive for future international criminal institutions. In this regard, the Tribunal must redouble its efforts to realize the full potential of these rules in practice. Finally, as terrorist violence devastates societies around the world, this Tribunal, the first of its kind to deal with the crime of terrorism, has made and will continue to make unique and considerable contributions to the international fight for justice.
### Special Tribunal for Lebanon

Geographical Representation of International Staff Recruited at the Professional Level and Higher and in the FS Categories

As of 31 January 2016

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