



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

SPECIAL TRIBUNAL FOR LEBANON

ELEVENTH ANNUAL REPORT (2019-2020)

**FIRST
TERRORISM TRIAL**

**151,781
PAGES OF
EVIDENCE**

**TRIAL
IN ABSENTIA**

**WITNESS
SUPPORT AND
PROTECTION**

FAIR TRIAL

RULE OF LAW

**INDEPENDENT
JUDICIARY**

**RIGHTS
OF THE
VICTIMS**

**NEW
CONNECTED
CASE**

**INDEPENDENT
DEFENCE OFFICE**

**3132
EXHIBITS**

**29
DONOR STATES**

**71 PARTICIPATING
VICTIMS**

**AUTONOMOUS
PRE-TRIAL JUDGE**

**457 COURT
HEARINGS**

**CONFIRMATION OF AN
INDICTMENT IN
AYYASH CASE
(STL-18-10)**

**JUSTICE FOR
VICTIMS OF
TERRORIST
ATTACKS**

**INTERNATIONAL
JUSTICE**

SPECIAL TRIBUNAL FOR LEBANON

ELEVENTH ANNUAL REPORT (2019-2020)

Dear Prime Minister,

Dear Secretary-General,

I have the great honour and privilege bestowed upon me to submit the Special Tribunal for Lebanon's eleventh annual report further to Article 10 (2) of the Tribunal's Statute. This report provides insight into the operation of the Tribunal over the period beginning 1 March 2019 to 29 February 2020.

The achievements outlined in the following pages are possible only due to the consistent support of the international community. On behalf of all staff working at the Tribunal's Headquarters in Leidschendam, The Netherlands and our office in Beirut, Lebanon, I wish to express my sincere gratitude to Lebanon and the wider international community for the enduring support this institution receives. We affirm our commitment to meeting the expectations of the Lebanese public and the international community by providing an independent and impartial mechanism for the investigation and adjudication of the crimes over which we have jurisdiction.

In the past year, the Tribunal has taken significant steps in this regard. The Tribunal entered into the pre-trial phase of a new Connected Case, relating to the three connected attacks against Mr Marwan Hamade, Mr Georges Hawi and Mr Elias El-Murr that took place on 1 October 2004, 21 June 2005 and 12 July 2005 respectively. This followed the confirmation of an indictment in proceedings concerning three attacks connected to the 14 February 2005 attack against former Lebanese Prime Minister Rafik Hariri. In addition, the Tribunal is in the final stages of the preparation of the trial judgment in the *Ayyash et al.* case, which concerns the 14 February 2005 attack, to be followed by its public delivery.

The Tribunal has also continued to review additional cases which may potentially fall within the jurisdiction of the Tribunal and the comprehensive assessment of those prioritized is at an advanced stage. Depending on the outcome of such assessment, the Tribunal will either seek jurisdiction or, where and when appropriate, provide material to the relevant Lebanese judicial authorities for their investigations.

The Tribunal remains one of only a few international tribunals that provide victims with a platform to be legally represented and heard in court and is committed to promoting the interest of victims. As such, in 2019, the Tribunal received the applications of 33 victims who have requested to participate in proceedings in the Connected Case.

Through its proceedings, the Tribunal continues to promote the virtues of independent and impartial judicial processes. This message is consolidated through the Tribunal's continued efforts to disseminate training and knowledge about its expertise through outreach activities.

The efforts of the Tribunal continue to promote the core ideals that underpin our contribution to international justice: transparency, efficiency and accountability; and the value of international criminal proceedings. More fundamentally, we remain committed to promoting the rights of the accused, the pursuit of justice for victims and an unrelenting search for the truth.



Ivana Hrdličková
President

Table of Contents

PART I – INTRODUCTION.....	6
PART II – MAIN ACTIVITIES OF THE TRIBUNAL.....	8
A. Chambers and Office of the President	8
1. Introduction.....	8
2. Judicial activities	8
3. Staff appeals	13
4. Office of the President.....	13
5. The way forward.....	14
B. Office of the Prosecutor	16
1. Introduction.....	16
2. The trial of <i>Ayyash et al.</i> – Appellate preparations in anticipation of the Trial Judgment.....	16
3. Other trial related work.....	17
4. Confirmation of the indictment in the Connected Case and preparation for trial	18
5. Assessment of potentially related cases	19
6. Other ongoing work of the OTP.....	20
7. The way forward.....	20
C. Defence Office	22
1. Introduction.....	22
2. Defence Office involvement in the judicial activities of the Tribunal	22
3. Regulatory activities of the Defence Office	26
4. List of Defence Counsel	26
5. Institutional activities of the Defence Office	27
6. The way forward.....	29
D. Registry	30
1. Introduction.....	30
2. Delivering support to the judicial proceedings	30
3. Providing efficient administration	33
4. Engaging the public about the Tribunal’s work.....	35
5. Ensuring a safe and secure work environment	36
6. Securing political, financial and operational support.....	37
7. Tribunal premises outside the Netherlands	37
8. The way forward.....	38
PART III – CONCLUSION.....	39

This report addresses the operation and activities of the Special Tribunal for Lebanon (“STL” or “Tribunal”) between 1 March 2019 and 29 February 2020.

The Tribunal’s mission is to conduct independent investigations and criminal proceedings in relation to crimes falling under its specialized jurisdiction. Most prominent amongst these is the 14 February 2005 attack that killed the former Lebanese Prime Minister, Rafik Hariri. However, the Tribunal’s jurisdiction also extends to connected attacks¹ including those perpetrated against Mr Marwan Hamade on 1 October 2004, against Mr Georges Hawi on 21 June 2005, and against Mr Elias El-Murr on 12 July 2005.

During the reporting period, the Tribunal dedicated its time and resources to fulfilling its principal mandate; trying those accused of crimes falling under its jurisdiction, respecting the rights of suspects and accused, and pursuing justice for victims of these crimes and for the people of Lebanon more broadly. This encompassed an evolution of the Tribunal’s work, with an increasing focus on efforts to support proceedings aimed at holding to account those responsible for the attacks against Mr Hamade, Mr Hawi and Mr El-Murr, in addition to the ongoing proceedings concerning the 14 February 2005 attack.

The four Organs—Chambers, the Office of the Prosecutor, the Defence Office and the Registry—have each contributed to the progress of the Tribunal’s work throughout the reporting period:

- In Chambers, much of the judicial activity was concentrated within the Trial Chamber through confidential deliberations and judgment-drafting in the case of STL-11-01, *Prosecutor v. Ayyash, Merhi, Oneissi and Sabra* (“*Ayyash et al.* case”), concerning the 14 February 2005 attack that killed Mr. Rafik Hariri and led to the death of 21 others and injured 226.
- Chambers has been seized with procedures in the case of STL-18-10, *Prosecutor v. Ayyash* (“*Connected Case*”). The *Connected Case* concerns three distinct attacks perpetrated against Mr Marwan Hamade, Mr Georges Hawi and Mr Elias El-Murr, respectively. This led to the creation of a second Trial Chamber (“*Trial Chamber II*”) which determined that proceedings could be conducted *in absentia*. The *Connected Case* is now in the pre-trial phase before the Pre-Trial Judge.
- The Office of the President has continued to promote initiatives to ensure the effective functioning and good administration of justice of the Tribunal, strengthening ties with stakeholders through commitments to the efficiency, transparency, and accountability.
- The Office of the Prosecutor predominantly focused on preparation for any potential appeal in the *Ayyash et al.* case, and advancing investigations and litigation with a view to proceeding *in absentia* in the *Connected Case*. It has also continued its assessment of

¹ While the concept of “connected” attacks is used throughout the report, this should not be interpreted as implying any limitation to Defence Counsel’s ability to challenge a ruling finding such attacks to be within the Tribunal’s jurisdiction, should they wish to do so.

potential related cases which may come under the jurisdiction of the court, and which warrant prosecution.

- During the past year, the Defence Office continued to provide assistance to the Defence teams in the *Ayyash et al.* case, and the Head of the Defence Office has made submissions before Trial Chamber II concerning proceedings *in absentia* in the Connected Case. In addition, the Defence Office has furthered its work promoting the institutional interests of the Defence.
- The Registry worked to ensure that the Tribunal runs in a cost-effective manner and at an expeditious pace. It has focused on the provision of efficient administrative and logistical support to facilitate judicial proceedings, all the while furthering its commitment to public engagement and securing the support of the international community.

The activities of each Organ are detailed further in the sections that follow.

A. Chambers and Office of the President

1. Introduction

The work of Chambers is focused on the delivery of the impartial and untainted truth in respect of the criminal proceedings it conducts, in service of the pursuit of justice for Lebanon and for the international community.

To this end, over the reporting period, the Tribunal’s judicial activities were two-fold:

- The Trial Chamber’s priority has been the deliberation of the *Ayyash et al.* case (*Prosecutor v. Ayyash, Merhi, Oneissi and Sabra*, STL-11-01), and the drafting of the Trial Judgment. It has also issued a number of decisions over the course of the previous year.
- Meanwhile, proceedings were made public in the Connected Case (*Prosecutor v. Ayyash*, STL-18-10), concerning the attacks against Mr Marwan Hamade, Mr George Hawi and Mr Elias El-Murr. The Connected Case has been the focus of judicial activity before the Pre-Trial Judge and the Tribunal’s second Trial Chamber. The Connected Case is currently in the pre-trial phase.

The Office of the President has supported the efforts of Chambers and the operation of the Tribunal generally. In accordance with her role under Article 10 of the Tribunal’s Statute, the President has liaised with Lebanese officials and the international community in order foster relationships necessary for the success of the Tribunal’s mission, while overseeing its effective functioning and the good administration of justice.

More information on the work and accomplishments of Chambers in the reporting period is set out in the following sections.

2. Judicial activities

(a) *Ayyash et al.* (STL-11-01)

The *Ayyash et al.* case concerns the 14 February 2005 attack that killed former Lebanese Prime Minister, Rafik Hariri. The explosion directed at Mr Hariri’s motorcade also killed 21 other persons, and injured a further 226 others.

(i) Deliberations and judgment drafting

Since the completion of trial proceedings on 21 September 2018 to the end of the current reporting period, the Trial Chamber was principally occupied with the task of deliberating as to whether the evidence before it proves the Prosecution case against the accused beyond reasonable doubt, and drafting a reasoned judgment. In accordance with Rules 43 and 148 of the Tribunal’s Rule of Procedure and Evidence (“Rules”), deliberations involve the Judges’ private assessment of all the evidence presented by the Parties and Legal Representative of Victims (“LRVs”) at trial, taking into account factors such as the weight to be given to each piece of evidence and the credibility of witnesses. In the *Ayyash et al.* case, that process involved the review of evidence presented over the course of 415 days, including the examination of 3,132 exhibits totalling 145,039 pages, as well as

the testimony of 323 witnesses, including 129 witnesses who testified in person and another 194 witnesses who provided written statements.

(ii) Other decisions

The Trial Chamber has also issued a number of decisions and orders during the reporting period, relating to various procedural matters. This includes a decision issued on 30 July 2019 concerning the protective measures of two Prosecution witnesses.

The Trial Chamber also ordered and modified the reclassification of various filings and documents from confidential to public in the *Ayyash et al.* case, in an effort to ensure that filings and exhibits were made public, where possible, before the issuance of the *Ayyash et al.* trial judgment. Consequently, public redacted versions of filings from 2015 to 2017 were issued throughout the reporting period. Reclassified decisions were also issued relating to matters such as summonses for witnesses to appear and orders regarding access to private or closed session proceedings.

With a view to making the trial record publicly available to the extent possible, on 20 September 2019, the Trial Chamber ordered that, by 4 October 2019, the Parties, the LRVs, and the Registrar should review confidential filings and subsequently file public redacted versions or motions seeking reclassification, and report to the Trial Chamber on their progress. It ordered the Deputy Head of Defence Office to proceed in a similar fashion with respect to the Badreddine Defence filings. It also urged the Parties and participants to come to an agreement with respect to the declassification of their respective exhibits. The Trial Chamber also ordered the Defence Office to proceed the same way regarding the Badreddine Defence exhibits.

To assist the Registry in the implementation of the declassification of exhibits, on 12 December 2019, the Trial Chamber ordered the Parties, the LRVs and the Deputy Head of the Defence Office to file, by 17 December 2019, reports detailing their proposals as to how to proceed with the exhibits. The order to the Deputy Head of Defence Office concerned the Badreddine Defence exhibits. In the same order, the Trial Chamber authorized the Registry to process the documents on Legal Workflow, the Special Tribunal's electronic filing system. It ordered the Prosecution to complete the review of its remaining exhibits as soon as possible.

The Trial Chamber's decision of 20 December 2019, too, concerned the public nature of proceedings. In this decision, the Trial Chamber dismissed a Prosecution application seeking partial reconsideration of the Trial Chamber's decisions, and seeking that certain filings remain confidential. It held that the Prosecution did not demonstrate injustice involving prejudice, nor error of law, abuse of discretion, or material change in the circumstances, and it did not consider the Party's perceived inability to provide meaningful public redacted versions of filings warranting reconsideration.

In a decision of 10 February 2020, the Trial Chamber rescinded the protective measures granted to two participating victims, following an application from the LRVs on behalf of two victims who had been participating as confidential victims but subsequently wished to participate in the proceedings publicly.

(b) Ayyash Case (STL-18-10) ("Connected Case")

(i) Background

Following a request from the Prosecutor dated 30 June 2011 (in the STL-11-02 case), the Pre-Trial Judge established in a confidential decision of 5 August 2011 that the Tribunal had jurisdiction over the attacks against Mr Marwan Hamade, Mr Georges Hawi and Mr Elias El-Murr pursuant to Article 1 of the Statute. This was based on a determination that the attacks were "connected" to the 14

February 2005 attack against former Prime Minister Hariri, and that they were of a similar nature and gravity. In reaching his decision, the Pre-Trial Judge assessed, *inter alia*, the following elements: the criminal intent (motive), the purpose behind the attacks, the nature of the victims targeted, the pattern which the attacks followed, and the alleged perpetrators of these attacks.

(ii) Indictment and arrest warrant

On 15 May 2019, the Pre-Trial Judge reviewed a confidential indictment filed by the Prosecutor on 14 December 2018 against Mr Salim Jamil Ayyash (“Mr Ayyash”) relating to attacks against Mr Marwan Hamade, Mr Georges Hawi and Mr Elias El-Murr which took place on 1 October 2004, 21 June 2005 and 12 July 2005 respectively. The Pre-Trial Judge explained his reasons for partially confirming the indictment in the decision. This marked the opening of a new case before the Tribunal.

In the 15 May 2019 decision, the Pre-Trial Judge listed the criteria for reviewing an indictment in accordance with Rule 68 of the Rules, and stated that he must determine: (i) whether the offences referred to in the indictment fall within the Tribunal’s jurisdiction; (ii) whether, on the basis of the evidentiary material provided, a *prima facie* case existed against the suspect; and (iii) whether the indictment is sufficiently specific and contains grounds which allow the suspect to understand the charges against him. The Pre-Trial Judge referred to his decision of 5 August 2011 to conclude that the jurisdiction of the Tribunal in the connected attacks had already been established.

The Pre-Trial Judge also addressed the applicable law by recalling the findings of the Appeals Chamber in the two interlocutory decisions on applicable law of 2011 and 2017 as to the definition and characterization of the offences in the indictment, in addition to the modes of liability, cumulative charging and aggravating circumstances.

Next, the Pre-Trial Judge turned to assess whether the Prosecutor had established these elements *prima facie* based on the supporting material provided. The Pre-Trial Judge confirmed, pursuant to Article 18 (1) of the Statute, five counts against Mr Ayyash: (1) Conspiracy aimed at committing a terrorist act; (2) in the alternative, to conspiracy aimed at committing a terrorist act, criminal association; (3) committing terrorist acts; (4) intentional homicide with premeditation of Messrs Ghazi Abou-Karroum, Georges Hawi and Khaled Moura; and (5) attempted intentional homicide with premeditation of Messrs Elias El-Murr, Marwan Hamade and 17 other persons.

However, the Pre-Trial Judge found that the Prosecutor had failed to establish *prima facie* that Mr Ayyash and other unidentified subjects had directly detonated the explosives involved in the three different attacks. He further dismissed Mr Ayyash’s alleged responsibility as an accomplice and only confirmed Mr Ayyash’s alleged responsibility in counts 3, 4 and 5 as a co-perpetrator. The Pre-Trial Judge therefore ordered the Prosecutor to adjust the charges in light of these findings, and to file a revised version of the indictment.

Finally, in that decision, the Pre-Trial Judge ordered that the indictment and his decision should remain confidential and *ex parte* until further notice in order to ensure the integrity of the proceedings, to guarantee the protection of the witnesses, and to safeguard the conduct of the ongoing investigations.

On 14 June 2019, the Prosecutor filed a revised version of the indictment filed and on 19 June 2019 the Pre-Trial Judge declared that this version was in conformity with his 15 May 2019 decision.

On 20 June 2019, the Pre Trial Judge issued an arrest warrant for the Lebanese authorities to apprehend Mr Ayyash in addition to an international arrest warrant against Mr Ayyash.

The indictment, arrest warrant and accompanying documents were transmitted for notification and implementation to the Lebanese authorities on 4 July 2019.

(iii) Lifting of confidentiality and non-disclosure

In two orders dated 9 July and 24 July 2019, anticipating the possible public advertisement of the indictment, the Pre-Trial Judge requested the Prosecutor to submit his observations on the lifting of the confidentiality, and when applicable, on the *ex parte* nature, of a number of filings in the Connected Case.

On 9 July 2019, the Pre-Trial Judge also requested the Prosecutor to submit his observations on the lifting of the confidentiality, and when applicable, on the *ex parte* nature, of a number of filings in the STL-11-02 case.

On 16 September 2019, the Pre-Trial Judge issued an order lifting the confidentiality of the indictment against Mr Ayyash, the 15 May 2019 confirmation decision and a number of other related filings, subject, when applicable, to redactions. The Pre-Trial Judge evaluated the Prosecution's proposed redactions to the filings, weighing the principle of publicity and transparency of the proceedings, on the one hand, against the need to ensure the protection of witnesses, victims and their families, and the integrity of the investigations, on the other. He considered that the majority of the proposed redactions were justified, and provided reasons for his decisions in a confidential, *ex parte* annex.

Within the framework of the Pre-Trial Judge's order lifting confidentiality of filings in the Connected Case proceedings, on 16 September 2019 the Pre-Trial Judge also issued a public redacted version of his 5 August 2011 decision on the Prosecutor's connected cases submissions, and lifted the confidentiality of a number of related filings (STL-11-02 case), subject, in some instances, to authorized redactions.

(iv) Victims participating in the proceedings

On 19 September 2019, the Pre-Trial Judge invited persons who claimed to be victims of crimes mentioned in the indictment against Mr Ayyash and related to the connected attacks who wished to obtain the status of victims participating in the proceedings pursuant to Article 17 of the Statute to submit their applications by 2 December 2019. In the same filing, the Pre-Trial Judge ordered the Victims Participation Unit ("VPU") to take the necessary measures to ensure the proper dissemination of his order, and transmit any completed applications to the Pre-Trial Judge.

During the reporting period, the Pre-Trial Judge received, via VPU, the applications of 33 persons requesting to participate in the proceedings.

(v) *In absentia* determination

Following consultation with the Pre-Trial Judge, on 24 September 2019, the President issued an order pursuant to Rule 76 (E) of the Rules, requiring service of the arrest warrant, indictment and associated documents to be "effected in an alternative manner, including through procedures of public advertisement". In that order, the President requested that the Lebanese authorities provide regular reports detailing efforts undertaken to search for, serve, and arrest Mr Ayyash, and to transfer him to the seat of the Tribunal.

On 6 November 2019, the President convened Trial Chamber II following the appointment of three Judges to a second Trial Chamber by the UN Secretary General. Trial Chamber II consists of the Lebanese and International Alternate Judges assigned to Trial Chamber I, in addition to a new

International Judge who will serve, during the pre-trial phase of the Connected Case, on an ad hoc basis.

On 19 November 2019, the Pre-Trial Judge seized Trial Chamber II for the purposes of determining whether it shall initiate proceedings *in absentia* against Mr Ayyash. The Pre-Trial Judge noted that, to date, the Accused had neither been arrested nor voluntarily appeared before the Tribunal. After recalling that, per Rule 105 *bis* (A) of the Rules, a period of 30 calendar days from the public advertisement of the Indictment mentioned in Rule 76 *bis* must elapse before the Pre-Trial Judge shall seize the Trial Chamber, the Pre-Trial Judge noted that on 7 October 2019, a public advertisement in the form of a poster listing the charges against Mr Ayyash was published in five Lebanese newspapers. The Pre-Trial Judge considered that the 30-day period provided for by Rule 105 *bis* (A) of the Rules started on 7 October 2019, and had therefore elapsed. He further observed that the formalities of service of the indictment provided for by the Lebanese Code of Criminal Procedure had only been partially fulfilled due to the prevailing situation in Lebanon. The Pre-Trial Judge emphasized that it was not within his authority but for Trial Chamber II pursuant to Rule 106 (A) (iii) of the Rules to assess whether the criteria for conducting a trial *in absentia* were satisfied.

In a hearing on 13 December 2019, Trial Chamber II heard submissions from the Prosecution and, in the absence of the accused, Mr Ayyash, from the Head of the Defence Office, on the application of Rule 106 (A).

On 5 February 2020, Trial Chamber II issued its decision to try Mr Ayyash, the Accused in the Connected Case, *in absentia*. It applied the Tribunal's law on *in absentia* proceedings, namely Article 22 (1) (c) of the Statute, Rule 106 (A) (ii) of the Rules, and previous jurisprudence on the matter. It also took into account international human rights law, and Lebanese law. In determining that proceedings should continue *in absentia*, Trial Chamber II considered, *inter alia*, that the Lebanese authorities had taken all reasonable steps to notify the Accused of the indictment, including by attempting on multiple occasions to serve him at his last known places of residence, and through ensuring extensive media coverage in Lebanon. The efforts of the Registry in disseminating information through different media outlets were also taken into account. Trial Chamber II concluded that Mr Ayyash knowingly waived his right to be present during proceedings against him, and absconded within the meaning of Rule 106 (A) (iii), therefore warranting proceedings *in absentia*. It emphasized that, should the Accused appear before the Tribunal in future, his right to a retrial will remain.

(vi) Other decisions

On 18 September 2019, the Pre-Trial Judge, in order to take all necessary steps to ensure a fair and expeditious trial, consulted the Principals of the Tribunal, namely the Prosecutor, the Head of Defence Office and the Registrar, on the modalities of the working languages in the *Ayyash* case.

On 22 October 2019, following written observations by the Prosecution, the Defence Office and the Registrar, the Pre-Trial Judge issued a decision on the working languages applicable in the Connected Case. Based on the information available to him, and taking into account that the Trial Chamber might subsequently make a different determination for certain filings, the Pre-Trial Judge considered that the language of the Accused was Arabic, without prejudice to the Accused's preference to use any other language if he were he to appear before the Tribunal. The Pre-Trial Judge's decision determined that the language regime is applicable to: (i) oral proceedings; (ii) written submissions; (iii) disclosure; (iv) transcripts of oral proceedings; and (v) translation of documents emanating from Chambers. Finally, the Pre-Trial Judge made a specific determination as to the working languages applicable should the Accused appear before the Tribunal and represent himself.

3. Staff appeals

In accordance with the Staff Rules and Regulations, the Judges adjudicated a number of staff appeals concerning various administrative decisions of the Registrar during the reporting period. To promote consistency and transparency, staff appeal judgments are made available to the Tribunal's staff members via the Tribunal's intranet, with appropriate redactions to protect the privacy of affected individuals.

4. Office of the President

Under Article 10 (1) of the Statute, in addition to her judicial functions, the President is responsible for the Tribunal's effective functioning and the good administration of justice. To this end, the activities of the President's Office over the reporting period have included a variety of diplomatic, administrative and pedagogical tasks in addition to her judicial functions. As in previous years, the Office's conduct has been grounded in the principles of accountability, efficiency and transparency.

(a) Accountability

The President's diplomatic role is central to nurturing the Tribunal's relationships with key stakeholders including Lebanon, the United Nations, and supporting States as well as the wider the international community.

During this reporting period, the President conducted various meetings with members of the diplomatic, legal and political communities in The Hague, Beirut, and other capitals. In April 2019, the President embarked on a mission to Beirut where she met with Government Ministers and representatives of the diplomatic and legal communities. During her time in New York, the President also met with stakeholders including the Lebanese Ambassador, representatives of the Management Committee States, in addition to the UN Legal Counsel and members of the UN Office for Legal Affairs ("OLA").

Since March 2019, the President has continued to regularly liaise with members of the Tribunal's Management Committee and OLA with respect to the ongoing administration and oversight of the Tribunal.

(b) Efficiency

In anticipation of proceedings in the Connected Case, the UN Secretary-General appointed the Tribunal's two Alternate Judges, and a new International Judge to a second Trial Chamber. This arrangement is expected to optimize the use of resources across the Connected Case and *Ayyash et al.* case, and result in financial savings for the Tribunal and stakeholders.

In accordance with her role under the Rules, the President has continued to facilitate judicial cooperation with Lebanon. For instance, following the issuance of the indictment and arrest warrants for the Accused in the Connected Case, the President liaised with Lebanese authorities in order to ensure that reasonable attempts had been made to effect service on the Accused. Such cooperation is essential to the continued functioning of the Tribunal and the progression of judicial proceedings.

The Rules Committee, presided by the Vice-President, continued to review the Rules of Procedure and Evidence and consider proposed amendments aimed at improving and streamlining the procedures applicable to the Tribunal's proceedings. The Tribunal's Judges met in Plenary in April 2019 to discuss such proposals. Six amendments were passed, including changes to Rule 188 (C), to add an additional safeguard in relation to the appellate rights of convicted persons. Changes were also made to Rules 168 (B), 171 (E) and 188 (B)—which concern judgments, sentencing procedures and judgments on appeal, respectively—to align these provisions with the text of Article 23 of the Statute. Rules 50 (B) (iii) and 50 (D), relating to the Victims and Witnesses Unit (“VWU”), were also amended to better reflect the practice of the VWU, and the duty of care towards witnesses and victims participating in the proceedings. The Plenary also endorsed the Registrar's proposed amendments to strengthen the Directive on Victims' Legal Representation.

(c) Transparency

The President, Vice-President and other Judges have also worked to promote ties between the Tribunal with academic and civil society, in Lebanon, The Netherlands and beyond. The President's outreach activities have included delivering lectures and participating in panel discussions on a variety of legal and socio-political issues relevant to the work of the Tribunal, at numerous civil society events and universities, research institutes and other tribunals. As part of the Tribunal's flagship Inter-University Programme on International Criminal Law and Procedure, the President met with Professors and Deans from the participating Lebanese universities during their visits to The Hague, and delivered a lecture on the history of international criminal law to students participating in the 2019 edition.

Throughout the reporting year, the President's Office have also prepared fully-indexed compilations of important decisions rendered by Chambers in the form of Casebooks have been compiled through the reporting year. The two volume 2017 edition, cataloguing 33 of the most significant decisions issued by Chambers in 2017, is publicly available through the Tribunal's website and in print, and the 2018 version is also expected soon.

5. The way forward

In the coming reporting period, Chambers will be dedicated to the fair and just adjudication of the cases of which it is seized.

Principally, this will involve a commitment to the effective use of Chambers' resources with respect to:

- (i) Completion of judicial work in the *Ayyash et al.* case, following the rendering of the Trial Judgment, including the sentencing phase before the Trial Chamber and any appellate proceedings. To this end, the Appeals Chamber has already devoted substantial effort to ready itself for potential appeals that may be filed in order to promote its expeditious resolution; and
- (ii) Advancing the proceedings in the Connected Case. The Pre-Trial Judge will oversee the preparation of the case for trial, while Trial Chamber II and the Appeals Chamber will adjudicate any preliminary motions and interlocutory appeals, respectively.

Additionally, the President will:

- (i) Continue to discharge her duties to oversee the Tribunal's effective functioning and good administration of justice, emphasizing the need for efficiency, transparency and accountability, and always striving for the most effective use of resources; and
- (ii) Consider the lessons learned over the course of the Tribunal's operation to date, and implement strategies for the continued improvement of judicial administration.

B. Office of the Prosecutor²

1. Introduction

During the reporting period (March 2019 - February 2020) the Office of the Prosecutor (“OTP”) has realized significant achievements and has continued to progress on all aspects of its mandate, successfully advancing the objectives set forth in the Tenth Annual Report. This report highlights these achievements and progress against its objectives.

First, the report illustrates the activities in anticipation of the Trial Judgment in the *Ayyash et al.* case, highlighting the considerable work needed to address all potential scenarios triggered by the Trial Judgment. In relation to the *Ayyash et al.* trial, the report also describes the work accomplished after the completion of the trial, as the Prosecution has continued to comply with its ongoing disclosure obligations and reviewed the Prosecution and Defence exhibits as well as its motions filed with the Trial Chamber for the purpose of their publication. In so doing, the report explains the rationale and the extent of these important and time-consuming activities.

Second, the report gives account of the confirmation of the updated indictment against Mr Ayyash in respect to the three terrorist attacks connected to the attack against former Lebanese Prime Minister Rafik Hariri and under the jurisdiction of the Tribunal as the Connected Case (STL-18-10). Extensive work—investigative, analytical and legal—has preceded and followed this major achievement. Though most of the work—particularly the investigations—is confidential, the report gives an overview of such work and how it has progressed.

Third, the report touches on other ongoing work of the OTP, much of it being behind the scenes. This includes a continuing assessment of potentially related cases as well as other important out-of-court work such as conducting missions, ensuring witness participation, and seeking and securing State cooperation. In this respect, in the last quarter of 2019, the operational capacity of the OTP was impacted by the prevailing situation in Lebanon: access to information via formal request for assistance to Lebanon was delayed and most planned missions to Lebanon had to be postponed.

Fourth, the report discusses the Prosecutor’s considerable planning for the future. His aim is to ensure that the OTP meets the needs arising from the Trial Judgment, including the different stages of potential appeals in the *Ayyash et al.* case; and, at the same time, in the new case against Mr Ayyash with respect to the Connected Case is fully prepared for all stages of the proceedings. Further, he has sought to ensure sufficient capacity to carry out the other critical ongoing work within the jurisdiction of the OTP highlighted above; in addition to reviewing and assessing the other terrorist attacks that occurred in Lebanon, which may potentially fall within the jurisdiction of the Tribunal.

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 a budget that is in effect a reduction for the seventh year in a row.

2. The trial of *Ayyash et al.*— Appellate preparations in anticipation of the Trial Judgment

Considerable work was undertaken in anticipation of the Trial Judgment in *Ayyash et al.* case. The Legal Advisory and Appeals Section (“LAAS”) of the OTP had to prepare to address all potential scenarios triggered by the Trial Judgment against the tight timeframe of the appeal period, which

² This section has been prepared by the Office of the Prosecutor.

follows the issuance of Trial Judgment. Rule 177 (A) (i) provides that if all of the accused are acquitted of all charges, the Prosecutor has 30 days from the pronouncement of the judgment to appeal to the Appeals Chamber. In all other cases, pursuant to Rule 177 (A) (ii), the convicted persons or the Prosecutor may file a notice of appeal of judgment and/or sentence within 30 days of the pronouncement of sentence.

Against such a tight timeframe, appellate preparation over the past year involved intensive research on various substantive and procedural appellate issues arising in Lebanon, other national domestic jurisdictions and international criminal law related to all potential scenarios triggered by the Trial Judgment. This includes determining whether to appeal any acquittal or sentence in the case of convictions, and/or respond to any appeals by the convicted persons. LAAS has sought to formulate and preemptively draft positions on anticipated appellate arguments, including what rights of appeal are available following *in absentia* trial proceedings as well as the standing of counsel to launch an appeal *in absentia*. Further, LAAS conducted general appellate advocacy training, and provided more intensive appellate training for senior staff. At all stages, appellate preparation has involved close cooperation between LAAS and members of the OTP's former *Ayyash et al.* Trial Team. Such collaboration is essential to ensure the identification of key issues, as well as the smooth transition and handover between the teams.

Once the Trial Judgment is rendered in the *Ayyash et al.* case, the first step for the Prosecution will be to determine whether to appeal any acquittals. Where convictions are entered, the Prosecution will evaluate whether to appeal sentence (pending release of Reasons for Sentence). The OTP will also respond to any appellate filings by the Defence. LAAS is currently preparing for these contingencies in accordance with the relevant regulatory framework noted above.

3. Other trial related work

The completion of the closing arguments did not end the trial work of the Prosecution in the *Ayyash et al.* case. Over the reporting period, the OTP has been engaged in a multitude of diverse tasks. First, the Prosecution has continued to comply with its ongoing disclosure obligations. Second, the Prosecution has continued with the challenging task of redacting all Prosecution exhibits used in the trial, reviewing the hundreds of Defence exhibits concerning each of the five original Accused, and redacting and reviewing hundreds of motions filed by the Prosecution and the Defence. This is all done with the objective of making them available to the public in the interests of the transparency of the proceedings.

- 1) Ongoing Disclosure Obligations. The Prosecution is required by the law of the Tribunal to continue to disclose to the Defence certain types of evidence or information which is obtained even after the closing arguments. For example, such documents may emanate from the ongoing generation of material to be used in the Connected Case. Where necessary, this requires reviewing and providing recently taken witness statements, new exhibits, material received pursuant to "Requests for Assistance" and potentially exculpatory material to the Defence under Rule 113 of the Rules.
- 2) Review of Prosecution and Defence Exhibits and Motions filed. The Prosecution is required to review all exhibits filed at trial to determine whether all or part can be made public. Equally, the same applies to written legal submissions or motions filed with the Trial Chamber.

Since the completion of the Trial, the Prosecution has engaged in the review and redaction of nearly 4400 documents for reclassification to public or redacted for publication. Redactions are necessary to safeguard protected witnesses or to avoid identification of innocent third parties

whose details are irrelevant to the evidence. The aim of this project is to satisfy the public interest of transparency of proceedings and thereby: (1) allow the Trial Chamber in its public judgment to rely on publicly available evidence and (2) ensure the Tribunal is in a position to make public any other court records that may be considered significant to the fairness of the trial.

The work has been achieved by temporarily re-assigning members of the OTP's former *Ayyash et al.* Trial Team back to deal with such matters, with no additional resources needed.

4. Confirmation of the indictment in the Connected Case and preparation for trial

As a result of the extensive efforts by the Prosecution an indictment has been confirmed in relation to the Connected Case. The gathering and analysis of additional evidence, involving forensic, investigative, analytical and legal work, has led to such decisive step in the judicial process, as it recognized that there was sufficient evidence to bring to trial the suspect of the three attacks at issue in the Connected Case. Further, the OTP played an active role in ensuring that expeditious steps were taken to assist in the efforts on attempted arrest, service of the indictment and ultimately the determination—through submissions at the hearing held on 13 December 2019 and in writing—on proceeding *in absentia* against the Accused.

On 14 December 2018, the Prosecutor filed an updated indictment in respect of the Connected Case. The attacks which are the subject of the indictment 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.

On 15 May 2019 the Pre-Trial Judge confirmed, in part, the 14 December 2018 indictment. On 19 June 2019 the Pre-Trial Judge confirmed the indictment pursuant to the OTP's submission of the requested amendments.

The indictment charges Mr Ayyash, a supporter of Hezbollah and one of the accused in the proceedings in the *Ayyash et al.* case (which relates to the assassination of Mr Hariri), for his criminal involvement in the Connected Case. In the indictment, the OTP alleges that Mr Ayyash, together with the late Mustafa Badreddine, a former accused in the *Ayyash et al.* case, and other unidentified participants: agreed to detonate an explosive device in a public place to cause a state of terror and assassinate Mr Hamade; agreed to detonate an explosive device in a public place to cause a state of terror and assassinate Mr Hawi; and agreed to detonate an explosive device in a public place to cause a state of terror and assassinate Mr El-Murr. The OTP furthermore alleges that Mr Ayyash coordinated the preparation and execution of separate attacks, conducted by means of explosive devices detonated in public places, against each of those prominent Lebanese political figures. The attacks caused the death of Mr Hawi; of the bodyguard of Mr Hamade, Ghazi Abou-Karroum; and of Khaled Moura, who was passing by at the time of the explosion that targeted Mr El-Murr. Mr Hamade, Mr El-Murr. 17 other victims were injured.

The OTP has charged Mr Ayyash with five counts, including conspiracy aimed at committing a terrorist act; in the alternative, criminal association; committing a terrorist act; intentional homicide

with premeditation; and attempted homicide with premeditation. All charges in the indictment are crimes under Lebanese criminal law.

Based on these charges, and at the request of the OTP, the Pre-Trial Judge issued both, an arrest warrant and an international arrest warrant against Mr Ayyash. As a result of the latter, upon the indictment against Mr Ayyash having been made public by decision of the Pre-Trial Judge, the OTP provided Interpol with the necessary information to issue a “red notice” against Mr Ayyash.

In December the Prosecution made submissions—both orally and written—requesting Trial Chamber II to determine that the necessary requirements for proceeding with a trial *in absentia* are met, and to order conduct of proceedings *in absentia* against the Accused. By a decision of 5 February 2020, Trial Chamber II ordered the conduct of proceedings *in absentia*.

Simultaneously, the Connected Case Team continued to be engaged in the pre-trial proceedings and prepare for the anticipated trial proceedings and whatever necessary remaining investigative steps. In this respect in the last quarter of 2019, the operational capacity of the OTP was impacted by the prevailing situation in Lebanon: access to information via formal request for assistance to Lebanon was delayed and most planned missions to Lebanon had to be postponed.

In addition, the OTP is researching a variety of proposals to reduce the time necessary for pre-trial and trial proceedings. The OTP will also make sure that it will be in a position to meet its various disclosure obligations in a timely manner.

5. [Assessment of potentially related cases](#)

A further 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, as yet, no jurisdiction over these cases, it cannot conduct full investigations. Unless jurisdiction is sought, these cases remain for the Lebanese judicial authorities to investigate and prosecute.

At this stage, the role of the OTP is limited to analysing and assessing whether any other attacks occurring in Lebanon within the relevant timeframe could be connected to the attack against Mr Hariri on 14 February 2005 in the manner required by Article 1 of the Statute. This assessment involves forensic, investigative, analytical and legal work in order to reach a conclusive comprehensive assessment. There is close cooperation between the Connected Case Team and the Related Cases Team. Few cases have been prioritised and their comprehensive assessment is at an advanced stage. If the Prosecutor is satisfied that there is a requisite connection to the 14 February 2005 attack, the OTP will take the steps necessary to seek jurisdiction over these cases in accordance with the Statute. If not, then he will ensure the preparedness and ability of the OTP, where and when appropriate, to provide material to the relevant Lebanese judicial authorities for their investigations. The cooperation and assistance can thus be, in a sense, not only from States to the Tribunal, but also from the OTP to Lebanon.

As noted above, in the last quarter of 2019, the operational capacity of the OTP was impacted by the prevailing situation in Lebanon: access to information via formal request for assistance to Lebanon was delayed and most planned missions to Lebanon had to be postponed.

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:

- **El Sayed matter:** In accordance with the Pre-Trial Judge’s order of 8 October 2012, the OTP submitted in April and October 2019 updated risk assessments for a number of individuals whose statements Mr Jamil El Sayed had requested be disclosed.
- **Support to the Lebanese judicial authorities:** The OTP is continuing to provide support to the Lebanese judicial authorities, when requested and 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 the Prosecutor and OTP senior management in effective management planning to meet evolving operational needs. Effective change management, resource allocation, and identification of needs, have contributed—in addition to the hard work and dedication of staff members—to the ability to accomplish the achievements of the past year detailed in this report. As in previous years, the work has been done within the limits of a reduced budget. This reporting period has also seen careful forward planning to identify the staffing and resources required to ensure that the OTP can meet the needs arising from the possible appeal in the *Ayyash et al.* case, and move expeditiously in the next stages of the Connected Case.
- **Transitional Planning:** In order to be prepared for any future transition as initiated by the Registry, the Prosecution has assigned staff to assist in the transitional planning working groups, has spent considerable time preparing and outlining the Prosecution transition plans for the future, and aligned its staffing requirements in anticipation of its future needs.
- **Other investigative or administrative responsibilities:** The Prosecution has other responsibilities, arising from requests from Chambers or Registry, which result in staff being assigned to conduct additional work beyond that planned for in relation to the OTP mandate. This work—entailing allocation of OTP dedicated resources to perform time-consuming tasks—has been successfully conducted without any additional cost to the Tribunal.

7. The way forward

In the coming year, the OTP will be focussed on its four primary objectives.

The first primary objective is to prepare for and where applicable, undertake one or more potential appeals in the *Ayyash et al.* case. In accordance with the appeal timelines described above, the OTP will review any judgment of acquittal and/or sentence to determine whether an appeal by the Prosecution is required. The OTP will also respond to any appeal brought by the convicted persons, which may include challenging the standing of counsel to launch an appeal *in absentia*. In preparation for these contingencies, the OTP has assigned key LAAS staff to oversee preparation for, and argument of any appeal. This work involves ensuring a smooth trial-to-appeal handover process and, if required, engaging in significant research, drafting and oral advocacy. In the coming year LAAS’ capacity will be increased with additional counsel with appellate litigation experience by re-aligning existing resources.

The second primary objective is to move ahead expeditiously and complete the pre-trial activities in the Connected Case, and be prepared to go to trial on the confirmed indictment. This involves all

activities that must take place before the Pre-Trial Judge can submit the file to Trial Chamber II for trial, including, dealing with possible preliminary motions from the Defence, and the submission of the Pre-Trial Brief and its accompanying witness and exhibit lists. In parallel, further investigative, analytical, and legal work will be required to prepare for trial and to ensure trial readiness by the time of its commencement. As part of preparations for trial, the Prosecution will continue its efforts to see how the trial process may be streamlined to ensure efficiency.

The third primary objective is to continue the inter-related review, investigations and assessment of the other terrorist attacks which may potentially fall within the jurisdiction of the Tribunal. By the coming year the Prosecution intends to complete the comprehensive assessment of the prioritized cases under review. The aim is to establish whether the criteria of connectivity to the attack against Mr Hariri on 14 February 2005 are met in the manner required by the Statute. The OTP will also continue to provide support to the Lebanese judicial authorities, where appropriate, that may assist with their own investigation of the cases that remain within their jurisdiction.

The fourth primary objective is to maintain effective management planning to meet evolving needs. Managing staff and resources to adjust to the constant transition inherent in the work—target identification, investigations, different stages of legal proceedings, and staffing for the new case—remains a key focus for the OTP. This need is even more acute given the continuous staff turnover associated with *ad hoc* institutions, which requires adaptability and constant adjustment of skills to needs. The objective is to align existing resources to meet future needs through adjustment, reassignment, training and staff buy-in when there is change, as opposed to constant recruitment of new staff.

The Prosecutor has engaged in considerable consultations and forward planning to be able to meet the evolving needs and future objectives. In particular, he has assessed and introduced a slight restructuring and a realignment of resources to ensure that the OTP is well-positioned on all fronts going forward. Significant efforts have been made to ensure that the OTP has sufficient capacity to carry out all activities within its jurisdiction. The Prosecutor is determined that all activities within the jurisdiction of the OTP are to be done within the existing level of resources.

To the extent possible, therefore, the OTP will endeavour to redeploy resources from other teams within the Office, as the work allows. In furtherance of this goal, the OTP will rely on the flexibility of staff members to take on different work as necessary, and will provide such training as may be required. Above all, the OTP will continue to count on the hard work and extra efforts of staff members that made possible the achievements of the past year.

In the coming year, the OTP will continue to operate within the limits of the budget—a budget that is, in effect, a reduction for the seventh year in a row.

C. Defence Office³

1. Introduction

The trial in the *Ayyash et al.* case (STL-11-01) concluded on 21 September 2018, when the case was adjourned for deliberation. During the deliberation phase, following an order from the Trial Chamber, the Defence teams and the Defence Office were required to review the confidentiality level of the exhibits and filings submitted during the trial proceedings in that case. The Defence teams also proceeded with the archiving of the majority of their respective case files and, with the assistance of the Defence Office, began to prepare for the next stages of the proceedings.

The year under review was also marked by the confirmation by the Pre-Trial Judge of the indictment filed by the Prosecutor against Mr Ayyash and the subsequent opening of a new case before the Tribunal, the Connected Case (STL-18-10). The Defence Office played an active role in a number of pre-trial proceedings before the Pre-Trial Judge and Trial Chamber II, which is seized of this new case.

In order to fulfil its mandate, the Defence Office comprises a Legal Advisory Section, a Legal Aid Unit and an Operational Support Unit. It currently has 11 staff of five different nationalities. All the activities of these sections are overseen by the Head of Defence Office, assisted by the Deputy.

In accordance with its mandate, during the year under review, the Defence Office provided operational, financial and legal support to all Defence Counsel in the *Ayyash et al.* case and their team members in order to enable them to effectively represent the interests and rights of the Accused. The Defence Office provided similar assistance to Defence Counsel in the Connected Case. The Defence Office also continued to carry out its institutional activities, both within the Tribunal and beyond.

A detailed description of all Defence Office activities is provided below.

2. Defence Office involvement in the judicial activities of the Tribunal

Although the Defence Office is not a party in the proceedings, it does take part in the judicial activities of the Tribunal in a variety of ways.

(a) **Defence Office monitoring of the proceedings**

During the reporting period, the Defence Office, through its staff within the Legal Advisory Section, monitored the ongoing proceedings in the *Ayyash et al.* case and the Connected Case.

This monitoring meant that the Defence Office received accurate information about judicial developments in those cases. As a result, the Defence Office was able both to provide the Defence teams with the necessary legal and operational assistance during all the phases of the proceedings, and to respond to any requests for written or oral submissions issued by the Pre-Trial Judge or the Trial Chambers of the Tribunal.

³ This section has been prepared by the Defence Office..

The monitoring also enabled the Head of Defence Office to carry out all her functions and to take any decisions relating to her mandate in an informed manner. The monitoring process was also useful for the Legal Aid Unit in determining the allocation of resources reasonably required by the Defence teams.

(b) Interventions by the Head of Defence Office in the proceedings

(i) Ayyash et al. (STL-11-01)

The Trial Chamber adjourned the *Ayyash et al.* case for deliberation following the closing arguments on 21 September 2018. During the deliberation phase, the Defence teams and the Defence Office started work on the reclassification and redaction of the confidential exhibits and filings submitted in that case.

Following the order of the Trial Chamber of 20 September 2019, the Defence Office reviewed all the confidential filings filed by the Defence Office and by the Badreddine Defence team in order to file public redacted versions or to seek their reclassification as “public”. In total, the Defence Office submitted 11 notifications regarding the filing of public redacted versions of documents filed by the Badreddine Defence team, and five notifications regarding the filing of public redacted versions of documents filed by the Defence Office. In addition, the Defence Office filed two requests for the reclassification as “public” of confidential filings filed by the Badreddine Defence team.

On 4 October 2019, in accordance with the Trial Chamber’s aforementioned order, the Defence Office filed its report relating to the confidential exhibits and documents filed by the Badreddine Defence team in the course of the trial. The same day, the Defence Office submitted its report relating to the exhibits that it had filed in connection with the trial.

On 17 December 2019, following a new order from the Trial Chamber of 12 December 2019, the Defence Office filed a detailed report relating to the exhibits filed by the Badreddine Defence team during the proceedings.

(ii) Ayyash Case (STL-18-10) (“Connected Case”)

2019 was marked by the confirmation of an indictment against Mr Ayyash by the Pre-Trial Judge and the subsequent opening of the Connected Case.

On 3 October 2019, following an order of the Pre-Trial Judge dated 18 September 2019 seeking submissions from the Office of the Prosecutor, the Defence Office and the Registrar regarding the working languages in that case, the Head of Defence Office filed her submissions pursuant to Article 13 (2) of the Statute and Rule 57 (F) of the Rules. In her submissions, the Head of Defence Office stated in particular that she was of the opinion that all the principles laid down in the Pre-Trial Judge’s decision on working languages in the *Ayyash et al.* case of 16 September 2011 should be applied in the Connected Case and, in addition, that the Trial Chamber’s variation authorizing the use of real-time transcripts in French should also be taken into account.

On 13 December 2019, in accordance with its Scheduling Order of 2 December 2019, Trial Chamber II held a hearing in order to hear submissions from the Prosecutor, the Head of Defence Office and the Registrar on conducting proceedings *in absentia* in the Connected Case, pursuant to Rule 106 of the Rules. The Head of Defence Office presented her submissions on the measures taken to inform the Accused of the charges against him and to ensure his appearance before the Tribunal in light of international human rights standards.

On 17 and 20 December 2019 respectively, upon the authorization of Trial Chamber II, the Defence Office filed additional written submissions and its response to the additional submissions made by the Office of the Prosecutor.

On 5 February 2020, Trial Chamber II decided to initiate *in absentia* proceedings against Mr Ayyash. On 6 February, the Pre-Trial Judge requested the Head of Defence Office to assign counsel to the Accused, who, to his knowledge, had not appointed one.

On 6 February 2020, the Head of Defence Office assigned one Lead Counsel and one Co-counsel to represent the interests and rights of the Accused, Mr Ayyash, in the *in absentia* proceedings brought against him.

(c) Management of legal aid

During the reporting period, the Legal Aid Unit implemented and monitored the legal aid budget for the Defence teams. In so doing, the Unit took a number of decisions concerning the resourcing of the teams; managed human resource issues relating to the assignment of Persons Assisting Counsel; and dealt with any other issues relating to the administration of the Legal Aid Policy for the Defence. The Unit also assisted the Head of Defence Office in her management of the Defence Office budget. In addition, the Unit prepared periodic financial reports.

Furthermore, following the adjournment of the *Ayyash et al.* case for deliberation, the Legal Aid Unit implemented the amended provisions of the Legal Aid Policy for the Defence. These amendments served to maintain continuity of representation and equality of arms with the Office of the Prosecutor during the deliberation phase, while at the same time ensuring appropriate use of public funds. These amendments in particular enabled the Defence teams to already carry out the majority of the archiving for the *Ayyash et al.* case file, which is particularly voluminous.

For the Legal Aid Unit, the past year was also one of consolidation and preparation in anticipation of the pre-trial phase in the Connected Case. As part of that process, the Unit assisted the Head of Defence Office in setting up a new Defence team responsible for defending the interests and rights of the Accused. The Unit also implemented recruitment procedures in order to draw up reserve lists of Persons Assisting Defence Counsel.

(d) Defence team composition

(i) Ayyash et al. (STL-11-01)

Following the amendment of the provisions of the Legal Aid Policy for the Defence, a new standard composition was established for the teams during the deliberation phase. Each team shall henceforth comprise a Legal Officer and an Associate Legal Officer or an Associate Case Manager. This team composition will remain unchanged during the sentencing phase and for the majority of the appeal proceedings, if applicable.

At the end of the year under review, the interests and rights of the Accused in the *Ayyash et al.* case were represented by 11 Counsel, with eight Persons Assisting Counsel.

(ii) Connected Case (STL-18-10)

On 6 February 2020, the Head of Defence Office assigned Defence Counsel with complementary skills and experience to defend the interests and rights of the Accused in the Connected Case.

In that context, the Head of Defence Office assigned as Lead Counsel Mr Emile Aoun, a lawyer registered at the Beirut Bar (Lebanon) and admitted to the List of Counsel set out in Rule 59 (B) of the Rules.

The Head of Defence Office considered that it was in the best interests of the Accused that Mr Aoun, Lead Counsel in the *Ayyash et al.* case (STL 11-01), should also represent the interests and rights of Mr Ayyash in the Connected Case (STL 18-10), as the case concerns the same Accused and in view of his in-depth knowledge of the procedures before the STL.

The Head of Defence Office also assigned as Co-counsel Ms Anta Guissé, a lawyer registered at the Paris Bar (France) and admitted to the List of Counsel set out in Rule 59 (B).

(e) Operational support to Defence teams and the Defence Office

As with every year, the Defence Office Case Manager provided logistical, technical and IT support to all the Defence teams and to members of the Defence Office.

In particular, she liaised with the various sections of the Tribunal in order to optimize the assistance provided to the Defence teams. She also organized and ran training sessions on IT software, such as Legal Workflow and Transcend, for new members and interns from the Defence teams and the Defence Office. She also ensured that new team members were given the necessary accesses and equipment for their work and assisted Defence team members in the archiving process for their case files.

(f) Legal support provided to the Defence teams and the Defence Office

(i) Research and legal advice

Over the past year, the Legal Advisory Section continued to provide legal assistance to the Defence teams in the *Ayyash et al.* case and the Connected Case. In particular, it prepared legal memoranda for the Defence teams on a variety of relevant topics in anticipation of the subsequent phases of the proceedings. It also responded to any questions on legal issues raised by the Defence team assigned to the Connected Case. The Legal Advisory Section also assisted the Head of Defence Office with her submissions before the Pre-Trial Judge and Trial Chamber II with regard to the Connected Case.

Furthermore, in July 2019 the Legal Advisory Section launched a new tool intended for all Defence teams. It consists of a weekly review of legal developments in international criminal courts and tribunals other than the Special Tribunal for Lebanon. The purpose of this tool is to keep Defence Counsel and their team members abreast of recent decisions and orders rendered by those courts and tribunals that might be of interest to them before the Tribunal.

(ii) The Digest of Case Law of the Special Tribunal for Lebanon

The Legal Advisory Section continued to update the Digest of Case Law of the Special Tribunal for Lebanon with a view to being able to respond expeditiously to questions from the Defence teams regarding Tribunal case law and thus facilitate their work when drafting motions and other documents filed before the Tribunal. The task of updating the Digest will continue during the coming year.

In March 2019, the Defence Office, with the assistance of the Tribunal's Registry, published the second edition of this Digest in hard copy and on the Tribunal's website. The Digest is now available

not only to Defence teams and Tribunal staff, but also to members of the public. This project, to which the Office of the Prosecutor also contributes, will form part of the Tribunal's legacy.

(iii) Training

The Defence Office, in collaboration with the Office of Public Counsel for the Defence of the International Criminal Court ("ICC"), organized a series of round tables entitled "From Defence to Defence". This series of practitioner-led discussions was designed to facilitate exchanges and consolidate participants' knowledge of topics of interest to the Defence in the field of international criminal law. As part of this process, round tables were held on 28 March and 16 October 2019 at the ICC and on 23 May 2019 and 21 January 2020 at the Tribunal respectively. A significant number of Defence Counsel and Defence team members currently working on cases before those jurisdictions attended.

Members of the Legal Advisory Section also continued their induction training courses for interns and members of the Defence teams and the Defence Office having recently joined the Tribunal. These training sessions are focused in particular on the state of progress of the proceedings in the various cases before the Tribunal, as well as on the Tribunal's law and case law.

(iv) Manual for Defence Counsel practising before the Tribunal

The Legal Advisory Section launched a new project in the form of a Manual intended for Defence Counsel and members of their Defence teams practising before the Tribunal. This Manual, which is designed as a reference tool, aims to facilitate access to all the information required by Counsel in order for them to fulfil their mandate before the Tribunal as effectively as possible in practical, logistical and judicial terms. It came about as a result of the experience that the Defence Office has acquired in these areas throughout the proceedings before the Tribunal.

The Manual was compiled by members of the Defence Office, in collaboration with the Registry and members of the Defence teams.

3. Regulatory activities of the Defence Office

The Head of Defence Office addressed the Plenary of Judges of the Tribunal on 10 April 2019 and took part in the Rules Committee meeting on 4 December 2019 as part of the process for amending the Rules of Procedure and Evidence as provided for under Rule 5 of the Rules.

4. List of Defence Counsel

During the course of 2019, the Defence Office received six new applications from lawyers wishing to be admitted to the list of Defence Counsel drawn up pursuant to Rule 59 (B) of the Rules. No interviews took place during the year.

At the end of 2019, the list comprised 183 Counsel of 39 different nationalities, registered with 83 different bar associations. Of that number, 14 Counsel are registered with one of the two Lebanese bar associations in Beirut or Tripoli.

The Head of Defence Office, and/or the Deputy Head or the delegated Chef de Cabinet, represented the Defence Office in its institutional activities.

(a) Participation of the Head of Defence Office in the internal functioning of the Tribunal

The Head of Defence Office, together with the other three Heads of Organ, attended the monthly meetings of the Tribunal's Senior Management Board, as well as various internal events within the Tribunal, such as town hall meetings, and externally.

The Head of Defence Office also made the voice of the Defence heard when she met with members of the Tribunal's Management Committee (notably during its visit to the Tribunal on 13 and 14 June 2019), with stakeholders in the UN, as well as in her dealings with embassies based in The Hague, the Netherlands. She also met with diplomatic and parliamentary delegations visiting the Tribunal.

As an International Gender Champion, the Head of Defence Office and the Deputy, acting as a focal point, took part in various events aimed at promoting gender equality in the tribunals and institutions based in The Hague.

(b) Institutional representation of the Defence outside the Tribunal

During the course of 2019, the Head of Defence Office met members of the judicial, diplomatic and academic communities, both in The Hague and during her visits elsewhere, in order to present the Tribunal's activities, the work of the Defence Office and the Defence teams, and to promote the rights of the Defence. The Head of Defence Office's missions were planned and organized in conjunction with the Liaison Officer based in Beirut.

(i) Mission to Lebanon

The Head of Defence Office made an official visit to Lebanon from 23 to 27 June 2019. During that visit, she met the Minister of Justice, the Minister of State for Presidential Affairs, the Minister of the Interior and Municipalities, and the Minister of Telecommunications. The Head of Defence Office also held talks with members of the diplomatic community based in Beirut.

During the visit, the Head of Defence Office discussed the role and the rights of the Defence before the Tribunal with her interlocutors, with particular reference to the *Ayyash et al.* case. She also took the opportunity to recall the role that the Defence Office has played and continues to play as a statutorily independent organ in promoting and protecting the rights of the Defence.

As part of this visit, the Defence Office, with the support of the Chairs of the Beirut and Tripoli Bar Associations, organized a conference at the *Maison de l'Avocat* in Beirut and a practical workshop for lawyers from those Bar Associations. The conference, which was held on 26 June on the theme of "Digital and Telecommunications Evidence in National and International Criminal Trials", brought together eminent figures from the legal and academic world. The practical workshop on 27 June, which was more specifically intended for lawyers, focused on the subject of "The Work of the Defence in International Criminal Trials". It was facilitated by two members of the Defence Office and two Defence Counsel practising at the Tribunal. The visit by the Head of Defence Office also provided an opportunity to present the Arabic version of the "Practitioner's Handbook on Defence Investigations in International Criminal Trials".

(ii) Mission to New York

The Head of Defence Office, accompanied by the Chef de Cabinet, made an official visit to New York, United States of America, from 9 to 13 December 2019. During this visit, the Head of Defence Office and/or the Chef de Cabinet met members of the Management Committee and the diplomatic community, as well as the United Nations Under-Secretary-General for Legal Affairs and United Nations Legal Counsel. Together with her interlocutors, the Head of Defence Office discussed the role of the Defence Office and the Defence teams in the various phases of the ongoing proceedings before the Tribunal.

(iii) Maintaining and developing institutional relations with national bar associations, international lawyers' associations and other institutions

The Head of Defence Office continued her outreach activities with, or alongside, various national bar associations, international lawyers' associations and other institutions.

On 21 October 2019, she attended a round table entitled "Long-Term Issues in International Justice", during which the Head of the Legal Advisory Section gave a speech on the subject of cooperation from a Defence perspective. The event was organized by the International Bar Association at the Peace Palace in The Hague.

On 28 and 29 November 2019, the Head of Defence also attended the solemn reassembly of the Paris Bar, France, alongside representatives from international bars, while on 3 and 5 December 2019 she took part in a number of events relating to the Defence organized alongside the eighteenth session of the Assembly of State Parties of the ICC. On 25 January 2020, the Deputy Head of Defence Office likewise attended the annual meeting of International Criminal Defence Lawyers – Germany in Berlin, Germany.

(iv) Presentation of the work of the Defence to groups visiting the Tribunal

During the past year, members of the Defence Office gave presentations to groups visiting the Tribunal on the issues and challenges faced by Defence Counsel practising before the Tribunal, as well as on the role of the Defence Office.

The Head of Defence Office gave presentations on the role of the Defence *inter alia*, to Lebanese university deans and professors; to Lebanese students as part of the Inter-University Programme on International Criminal Law and Procedure; to federal judges from the United States; to judges and prosecutors from the Special Criminal Court of the Central African Republic; and to judges and prosecutors from the French National Academy of the Judiciary and Court Officers.

(v) Seventh International Meetings of the Defence

The Seventh International Meetings of the Defence, organized by the Defence Office of the Tribunal in collaboration with the Office of Public Counsel for the Defence of the ICC and with the support of the Association of Defence Counsel practising before the International Courts and Tribunals and the International Criminal Court Bar Association took place on 15 November 2019. The Meetings were held at the headquarters of the ICC in The Hague, the Netherlands, with some 60 legal professionals working for the Defence in attendance.

The day opened with welcome addresses from the First Vice-President of the ICC, the President of the Tribunal, the Principal Counsel of the Office of Public Counsel for the Defence of the ICC, and the Head of Defence Office of the Tribunal, followed by a keynote speech on the motivations of practitioners in the field of international criminal law.

The Meetings continued with a discussion on the challenges identified by the Defence during the Sixth Meetings and on the actions that needed to be taken to overcome them, followed by a review of the past year for the Defence practising before the various international criminal courts and tribunals. The afternoon was given over to two working sessions on the subjects of acquittal and the use of social media by counsel.

The closing session of the Meetings was chaired by the Director of the Human Rights Institute of the Beirut Bar Association and Representative of the President of the Beirut Bar Association.

(c) Involvement in the transition planning process

Defence Office staff continued to take part in the working groups set up as part of the Tribunal's transition planning process. This process, which involves the four Organs of the Tribunal and the Staff Union, seeks to draw up a completion strategy for the Tribunal's activities.

6. The way forward

Over the course of the coming reporting period, the Defence Office will focus on its primary mission, which is to provide operational, financial and legal support to Defence Counsel and to the members of their teams in the *Ayyash et al.* case and the Connected Case.

In the *Ayyash et al.* case, the various sections of the Defence Office will lend their support to the Defence teams in the sentencing and appeal phases, where applicable.

In the Connected Case, the Defence Office will ensure that the new Defence team assigned by the Head of Defence Office to represent the interests and rights of the Accused is in place, and will provide the team with any assistance that it may require. As in the *Ayyash et al.* case, the Defence Office will continue to closely monitor the proceedings (both by attending the hearings in court and by analysing the documents filed) and to intervene in the proceedings when necessary.

Lastly, as part of its institutional role, the Defence Office will continue to cooperate with the other Organs of the Tribunal, in particular with the transition planning process, as well as the Defence Office's legacy projects. In so doing, it will ensure that the members of the Defence teams are involved in those projects.

D. Registry⁴

1. Introduction

During the last year, as the Tribunal moved through the important period of trial judgment deliberation in the *Ayyash et al.* case and readied for the new Connected Case, the Registry continued to develop and refine its activities to carry out its multifaceted mandate. To this end, the Registry facilitated the judicial proceedings, delivered efficient administration, engaged the public, provided safety and security, and secured support from States. This report details these achievements—the successful fruition of which required close coordination within the Registry and throughout the Tribunal.

In combination with these efforts, the Registry revitalized its engagement with States, and the general public, on the Tribunal’s relevance and substantive work.

Mindful of the significance of the Tribunal’s work, and despite significant judicial developments, the Registry managed to submit to the Tribunal’s Management Committee a reduced Tribunal Budget for the fourth year in a row, marking decreases six of the last seven years. In doing so, the Tribunal reinforced its commitment to maximizing the efficient use of resources when managing operational demands. The Tribunal’s 2020 Budget amounts to EUR 55,145,200 of which 49% shall be funded by the Government of Lebanon, and 51% through voluntary contributions. The Tribunal is fortunate to enjoy strong support from Lebanon, which has met its financial obligation every year. Additionally, 29 donors from across five distinct geographical regions have voluntarily contributed to the Tribunal since its establishment. Looking ahead, and ever cognizant of the impact that the Budget has on Lebanon and other donors, the Registry reaffirms its commitment to ensuring fiscal scrutiny at all levels of operation and pledges further Budget reductions in subsequent years.

With the *Ayyash et al.* judgment approaching, and with the Connected Case indictment confirmed, the Tribunal recognizes the role it plays in Lebanon, the region and the broader international community. In this regard, it continues to depend on the generous political, financial and operational support of States. International support is paramount. The Registry is most grateful for this continued engagement, and will continue to promote wide support for the Tribunal’s mandate. With that in mind, the Registry continues to look ahead, and welcomes collaboration with all internal and external stakeholders that helps move the Tribunal toward the completion of its mandate.

2. Delivering support to the judicial proceedings

During the past year, the Registry’s Division of Judicial Support Services focused on supporting the new Connected Case, the anticipated rendering of the *Ayyash et al.* judgment, and other judicial developments. It did this by delivering efficient, impartial and reliable court management services; translation and interpretation language services; assistance to victims participating in the proceedings; support and protection to witnesses and victims; and independent legal advice. These services, which were facilitated through the corresponding Registry Sections, formed the backbone of the Registry’s effective judicial support and highlighted the dynamic operations required to facilitate complex proceedings.

⁴ This section has been prepared by the Registrar.

(a) Court management services

Throughout the year, the Court Management Services Section (“CMSS”) continued its foundational work to deliver efficient, impartial and reliable support to all proceedings. This support included the processing of judicial documents, including 514 filings corresponding to 11,179 pages of official court documents, and 289 translations of previously filed official court documents corresponding to 3,819 pages. Additionally, CMSS processed 1,093 translation requests corresponding to 9,166 pages, which included the detection and avoidance of duplicate requests representing a savings of approximately 630 translator working days or EUR 95,364. It further helped to implement orders and decision from Chambers by communicating with the Lebanese Government and third States.

In addition, CMSS spent much of the last year working on two major projects. The first is a review of the *Ayyash et al.* case record, in which CMSS is verifying the completeness and accuracy of the *Ayyash et al.* trial record. This review includes an examination of exhibits, filings, transcripts, and audio-visual recordings of the proceedings. Additionally, CMSS is reviewing the records of oral decisions, the witness list and the list of participating victims.

Secondly, CMSS is examining the document security of both its judicial and non-judicial records. Based on this, it is developing a strategy for improving the security of CMSS information and documents. In addition, CMSS facilitated improvements to Legal Workflow, the Tribunal’s electronic document and record management system.

(b) Languages services

In general, the Language Services Section (“LSS”) continued its core functions of enabling multilingual oral and written judicial proceedings through the provision of language services to all Organs in the Tribunal’s three official languages (Arabic, French and English) and other languages as required. For example, during 2019, 14,876 translation pages were delivered by LSS to clients across the Tribunal. Judicial interpretation services, along with support for field investigations and outreach events amounted to 145 interpreter days. Additional services provided by LSS comprised 1,237 days of language assistance and editing.

During the reporting period, LSS also prioritized efforts to broaden Arabic interpretation and translation skills in Lebanon and across wider international organizations. It welcomed four Lebanese translation interns to its Leidschendam office following outreach events held at Lebanese universities. In this regard, LSS continued to honor its commitment, with support from the Registrar, to strengthen collaboration with the six Lebanese universities that offer language or translation programmes. In addition, LSS engaged in significant cooperation with international organizations, including facilitating staff exchanges and participating in joint training ventures.

Lastly, LSS made further linguistic achievements to support the pending *Ayyash et al.* judgment and the wider legal community. In this regard, given that much of the evidence heard by the Tribunal has been telecommunications-based, LSS completed a tri-lingual (French, Arabic, and English) telecommunications glossary to assist the translation of the forthcoming judgment. It also continued to develop a tri-lingual legal terminology database, which will ultimately be made available to the public and legal practitioners working in those three languages.

(c) Assistance to victims participating in the proceedings

In 2019, the Victims’ Participation Unit (“VPU”) focussed its efforts on the forthcoming *Ayyash et al.* judgment and developments in the Connected Case. Highlighted as a large collaborative effort within

the Registry, VPU led efforts to initiate preparations to bring as many victims as possible in the *Ayyash et al.* case to the Tribunal for the anticipated rendering of a judgment in that case. VPU devised a strategy ensuring that appropriate facilities and support will be in place to meet the needs of visiting Victims Participating in the Proceedings (“VPP”). As a critical milestone in the *Ayyash et al.* case, the judgment rendering will provide an important opportunity to make the trial and its judgment more tangible to the VPPs. For many of the VPPs, being in the courtroom or Tribunal during the rendering of the judgment rendering will afford them a closer connection to justice.

In addition, VPU undertook two major projects in preparation for the Connected Case. Following the confirmation of the indictment in this case, and the Pre-Trial Judge’s order inviting victims to apply to participate in judicial proceedings, VPU conducted outreach efforts to inform victims of their right to participate and to assist those who choose to do so with the application process. A comprehensive public information campaign was launched to disseminate general information about the process of participating as a victim. The campaign included a press release, a video inviting victim applications, an animated video explaining what participation entails, written documents that provided a snapshot of the VPP framework, and access links to the VPP application form. In addition to this public information campaign, VPU directly contacted potential VPPs to explain the participation process and, when interested, assisted them with the application process. While further applications are still expected, to date the VPU has already transmitted applications to the Pre-Trial Judge for his determination of VPP status.

Secondly, VPU updated the list of counsel from which potential Connected Case Legal Representatives of Victims Participating in the Proceedings (“LRVs”) are to be selected. This included a public call for applications and interviews. As such, there are currently 52 counsel from which future LRV could be selected.

In addition to these projects, VPU continued its core responsibilities of supporting and monitoring the work of the LRV, as well as developing strategies on the legacy of victims’ representation before the Tribunal. This included administering the Legal Aid Policy for victim’s participation, and amending it where needed following approval by the Tribunal’s Management Committee. Additionally, VPU produced a blueprint for the development of a practitioner’s handbook on the representation of victims before international and hybrid criminal courts. This entailed consulting and holding round-table discussions with practitioners and experts, in addition to reviewing relevant literature and surveys.

Finally, VPU continued to administer and support the *Amicus Curiae* team in relation to ongoing contempt matters.

(d) Support and protection to witnesses and victims

During the reporting period, the Victims and Witnesses Unit (“VWU”) continued to support the Tribunal’s victims and witnesses. In addition to its core work, it successfully undertook a number of projects in preparation for the *Ayyash et al.* judgment.

Notably, it finalized a yearlong project during which it re-contacted the majority of *Ayyash et al.* victims and witnesses to provide updates on developments and address any security or psychosocial support issues that may have arisen because of their interaction with the Tribunal. This project highlighted international best practices, and demonstrated strong cooperation between VWU and the Parties, the LRV and the Chamber.

As part of VWU’s central work, the on-going identification, assessment and mitigation of potential threats and risks to victims and witnesses remained of paramount importance. In this regard, VWU continued to independently review and assess requirements for procedural protective measures, and

maintained a robust capability to provide protection, support and emergency response services to victims, witnesses and others at risk because of their testimony or interaction with the Tribunal. In conjunction, VWU continued to work closely with Lebanese interlocutors in the provision of protection and support, and continued to strengthen cooperation with other states for witness protection and support arrangements. Additionally, the VWU continued to provide counselling, psychosocial support and other appropriate assistance to victims and witnesses when required.

(e) Legal services

During the reporting period, the Registry Legal Office (“RLO”) continued to support the proceedings by drafting and reviewing judicial filings, and advising on requests for assistance and other judicial cooperation matters.

It also provided legal advice to the Registrar, Registry and other Tribunal organs on various matters touching on the Tribunal’s regulatory instruments, Host State matters and international law. Further, RLO advised on the interpretation of the Tribunal’s Staff Regulations and Rules and related administrative issuances; reviewed contractual documents and memoranda of understanding with other international organizations; and drafted other papers when requested. Lastly, RLO supported the Registrar in matters arising out of staff related claims or disputes, leading to the successful resolution of these claims through both formal and informal means.

3. Providing efficient administration

Over the last year, the Registry’s Division of Administration provided efficient support to all Organs, including: recruitment and human resources management; preparation and implementation of the Tribunal’s budget; delivery of procurement services; information management and technological services, facilities management and common services; financial services and internal controls; and other services required for the efficient administration of the Tribunal. These administrative services facilitated the judicial work of the Tribunal’s Principals, Judges, staff, consultants and interns, and, importantly, ensured that fiscal responsibility was exercised throughout the Tribunal.

In addition to these core services, the Division of Administration made significant progress in leading the Tribunal’s Transition Residual Planning Project. In collaboration with all Organs and the Staff Union, crucial analysis and key policy documents were completed during the reporting period to help ready the Tribunal for its eventual mandate completion. This included the development of downsizing methodologies, recommendations on successor entity models and analysis of the judicial, administrative and legal obligations of this entity.

(a) Human resources

The Human Resources and Change Management Section assisted the judicial proceedings by supporting the Tribunal’s personnel. As such, it provided recruitment, human resources management and organisational development services. It further facilitated the Tribunal’s workforce planning processes; administered contracts, benefits and entitlements; and coordinated and expanded organisational learning opportunities.

By the end of December 2019, the Tribunal employed 399 staff members. Fifty-seven nationalities are represented at the Tribunal. Seventy staff members are Lebanese, representing 17.6% of the total number of staff. The gender distribution is 47% female and 53% male.

In addition, 23 interns joined to participate in the work of the Tribunal during 2019 and efforts continue to increase the interest of Lebanese students to participate in the internship program.

(b) Budget

The Budget Unit drafted, monitored and accurately reported on the implementation of the Tribunal's annual budget. These efforts ensured that trial operations continued with the efficient management of Tribunal funds. As in previous years, the 2020 budget is based on high-level objectives and parameters set through intensive consultations with the Tribunal's Principals. Budget-limiting measures focused on areas that will have the least detrimental effect on anticipated judicial activities. As a result, the Tribunal's Management Committee approved the Tribunal's 2020 Budget at EUR 55,145,200. Despite the anticipation of increased activities, this is a budget decrease of 0.03% when compared to 2019.

(c) Procurement services

Over the course of the year, the Procurement Section ("PS") continued to provide strategic advice and operational support to ensure that the Tribunal's resources were used efficiently and in compliance with the regulatory framework and the best value for money principle.

In this regard, the PS supported the Tribunal's mandate by initiating new tender processes, by negotiating with vendors and by completing various contract renewals and/or extensions. For other operational areas, PS provided procurement relevant advice and completed contract awards reflecting changes in non-judicial areas of operations, such as training, facility management and information technology requirements, to support the next stages of the Tribunal's operations. In so doing, it worked in close collaboration with all Registry Sections and other Organs to issue, monitor and administer more than 1,000 procurement transactions and over 450 contracts.

(d) Facilities management and common services

During the last year, the General Services Section ("GSS") provided a diverse range of essential services to the Tribunal that covered transportation, logistics, mail, travel, visa, graphics, and asset management. Furthermore, GSS provided building management, maintenance and space planning services. In this regard, GSS completed several projects including the refurbishment of the security surveillance system in the Leidschendam building.

(e) Information management and technological services

During the reporting period, the Information Services Section ("ISS") supported the proceedings by providing comprehensive information management and information technology support to all Organs. In addition, ISS continued the streamlining and optimization of the information systems that aim to serve the Tribunal's needs.

ISS recorded a number of achievements during this reporting period. The Tribunal's award-winning Legal Workflow System, which allows for the effective administration of judicial information and processes at all stages of a case, was improved according to the changing business needs. The improvements include two new modules and upgraded server software. In 2019, 10,826 filings were processed, and at 31 December 2019, the system contained 14,908 pieces of evidence and stored 207,945 documents.

The ISS continued to ensure that the Tribunal's technology is fit for purpose. It did so by updating, upgrading and replacing ageing systems to ensure that critical systems and technology are operational, efficient, secure and cost-effective. In this regard, ISS supported the improvement of the Tribunal's administrative systems (Finance, Payroll and Travel), refreshed the Courtroom Audio Visual systems and further strengthened its cyber-security programme by adopting an International Standard for its Information Security Management System.

During 2019, the Tribunal’s Library, which is an integral unit within ISS, welcomed 1,454 visitors and played a vital role in providing research assistance by processing 1,629 research requests and by delivering trainings in research tools and methods. In addition to the print books collection, out of which 2,934 books were consulted or loaned, the Library provided access to e-books to facilitate research in connection to the judicial proceedings. The Library also provided numerous training courses and practical advice on its collection and updated three bibliographies on subjects of interest to its users. Finally, the library accelerated its efforts to make the Tribunal’s jurisprudence widely accessible by maintaining relations with publishers and other international organizations.

(f) Finance and internal control

By processing payments, administering contracts, preparing the Tribunal’s financial statements and monitoring its accounts, the Finance Section (“FS”) assisted the judicial proceedings by overseeing the Tribunal’s financial obligations. Notably, during the last year it implemented a revised health insurance scheme and an integrated payroll system that enhances the efficiency of transactions and financial reporting.

One of FS’s most important tasks and yearly achievements is the submission of the Tribunal’s financial statements to its External Auditors. During the reporting period, FS submitted the 1 January to 31 December 2018 financial statements, which received an “unqualified opinion” by the External Auditor on the truth and fairness of the statements. In lay terms, receiving an “unqualified opinion” means that the Tribunal’s financial statements comply with its financial rules, and that the financial statements are prepared based on international public sector accounting standards. The External Auditor verifies the Tribunal’s accounts and financial operations on an annual basis, and may make observations with respect to the efficiency of the financial procedures and related controls, the accounting system, the overall internal controls and the general administration and management of the Tribunal. As a testament to its financial integrity and transparency, since the Tribunal’s establishment, the Tribunal has received an “unqualified opinion” of its financial statements each year, for a total of 11 consecutive years. This achievement speaks to the Tribunal’s commitment to developing best internal control and risk management practices.

4. Engaging the public about the Tribunal’s work

During the last year, the Public Information and Communications Section (“PICS”) proactively engaged with the Lebanese, regional and international public to raise awareness and increase understanding of the Tribunal’s ongoing work. It also organized capacity-building activities in Lebanon, as part of its outreach programme.

With the *Ayyash et al.* judgment deliberations taking place over the course of the year, PICS undertook numerous communications efforts to keep the public informed of the ongoing judicial and non-judicial work taking place outside of the courtroom. This was achieved through [press releases](#), the [STL Bulletin](#) and social media. PICS also launched a series of animated videos entitled “STL explained” to provide short and simple explanations of Tribunal work and judicial procedures to the public. Additionally, the STL Spokesperson continued to respond to queries from Lebanese, Regional and International journalists and conducted interviews with Lebanese, Regional and international broadcast, print and online media.

One of PICS’ standout achievements included its communication efforts regarding the new Connected Case. It published Q&As and audio-visual material on the Tribunal website and also promoted this material on social media. In the wake of its indictment being made public, the Spokesperson conducted 17 interviews with Lebanese, Regional and international media specifically about the new case. PICS also took a leading role in implementing the Tribunal President’s “Order

pursuant to Rule 76 (E)” of 24 September 2019 to disseminate the indictment through other means, including in the media and social media. These efforts resulted in wide coverage in the Lebanese, regional and international media, including social media. PICS also assisted the Registry’s VPU with publicizing the call for victims to apply to participate in the proceedings of the new case.

In May 2019, PICS launched the new Tribunal [website](#), making significant changes to the design, structure and layout. The new website is more user friendly, and introduced customized pages that cater to different Tribunal audiences, including journalists, legal professionals and students. In 2019, the website received 114,864 visitors, of whom 16.7 per cent (19,312 visitors) came from Lebanon, and 457,617 page views.

In Lebanon, PICS organized outreach and capacity-building activities that were attended by over 700 Lebanese Judges, lawyers, civil society representatives, students, academics, and officers. These included briefings, lectures, presentations, trainings, and study and work visits to The Hague. For example, together with the Human Rights Institute of the Beirut Bar Association, a training for lawyers on the *Conduct of International Criminal Proceedings* was organised at the Beirut Bar Association. The Tribunal also reached out to the public in Tripoli, which included an address by the President of the Tribunal on the misconceptions about the Tribunal and its work at the invitation of a local cultural centre.

The Tribunal’s flagship outreach programme continues to be the Inter-University Programme on International Criminal Law and Procedure (“IUP-ICLP”), which is organised in cooperation with 11 Lebanese universities, the T.M.C. Asser Instituut, and a newly founded Lebanese NGO named the International and Transitional Justice Resource Centre. With no specialization in international criminal law offered at any Lebanese university prior to its launch in 2011, the IUP-ICLP is the first of its kind and remains unique in the region. Over 900 students have completed the first seven sessions. The eighth edition was launched in November 2019 with a record number of 453 students enrolled. Officers from the Lebanese Armed Forces, the Internal Security Forces, and, for the first time, the General Security also followed the course.

Finally, PICS continued to welcome group visits to the seat of the Tribunal in Leidschendam. Sixty-two groups visited the Tribunal in 2019, where they were briefed on its work by representatives of the four Organs.

5. [Ensuring a safe and secure work environment](#)

During the reporting year, the Security and Safety Section (“SSS”) continued to provide operational support and oversight to the Tribunal’s security management framework, and in turn regulated the strategic direction and governance of security at the Tribunal. In general, this included facilitating the work of all Organs, in both Leidschendam and in the Beirut Offices, by providing all necessary levels of security and safety for the Principals, Judges, staff, consultants, interns, visitors, facilities, assets and missions.

Over the course of the last year, SSS updated relevant policies, procedures and contingency plans. It provided mandatory staff security awareness trainings, mission-specific security briefings and regular threat analyses reports. Further, it kept in close communication with Leidschendam and Beirut staff through its electronic staff recall system in which it disseminates relevant information following incidents, and through regular security advisories. SSS also maintained its excellent relationship with external partners, improved its electronic tracking of staff travel, responded to various incidents at the Tribunal, maintained its security clearance checks, and kept abreast of relevant security matters.

6. Securing political, financial and operational support

Throughout the reporting period, the Registrar continued to implement strategies to secure the political, financial, and operational support for the successful completion of the Tribunal's mandate.

This included maintaining relations with the diplomatic communities in The Hague, Beirut and New York, among other locations. Through the formulation and implementation of a robust fundraising strategy, the Registrar ensured adequate and continued funding for the Tribunal's activities with the support of the Management Committee.

Since 2009, 29 states have contributed to the Tribunal. This includes Lebanon's contribution, and voluntary contributions or in-kind support from Australia, Austria, Belgium, Canada, Croatia, the Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Luxembourg, Morocco, 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. The Tribunal has also received voluntary contributions from the European Union. A chart listing these donors is included at the back of this report.

The Registry continued to receive on-going financial, operational and judicial support from the Government of Lebanon. Additionally, it enjoyed the continued cooperation and support from its Host State, the Kingdom of the Netherlands, in relation to the Tribunal's premises, its external security and the issuance of visas and residence permits, in addition to other matters.

The Registry continued its efforts to engage third-party states to support the judicial proceedings through legal and operational frameworks. Memoranda of understanding were concluded with other international organizations to save costs and facilitate cooperation and information-sharing.

Further, the Tribunal enjoyed continued cooperation with the international courts and organizations based in The Hague, NGOs and Universities and the Beirut and Tripoli Bar Associations in Lebanon. The support provided included information-sharing sessions; joint training sessions for Registry Sections; collaborative organization of outreach events; technical support; assistance in language services; resource sharing; and inter-library loans. Such mutual assistance contributed to internal cost efficiencies and broadening STL audiences.

7. Tribunal premises outside the Netherlands

(a) Beirut office

By the end of 2019, 62 Tribunal staff members were based in Lebanon. Most of these are Registry staff who during the year continued to facilitate specific Beirut-based activities in the areas of external relations, judicial cooperation, outreach, victims' participation and witness support. Additionally, the Registry in the Beirut Office provided the necessary administrative, logistical and security assistance to all Tribunal Beirut-based staff.

One of the primary functions and achievements of the Beirut-based Registry staff was its support of judicial and diplomatic missions to Lebanon. During 2019, the Beirut Office supported a total of 45 missions to Lebanon by Leidschendam-based Principals and staff from the Chambers, OTP, Defence Office, and Registry, as well as the *Amicus Curiae* Prosecutor.

Given recent developments in Lebanon and the region, the Beirut Office continues to monitor events and adjust operations accordingly. It is thankful for the strong level of support from and cooperation with the Lebanese Government.

(b) 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, in addition to providing background information and responding to the queries of the Management Committee's members. It also provided regular updates on the Tribunal's relevant developments.

Further, the Liaison Office continued to ensure that interested states, UN departments and NGOs were informed of the work of the Tribunal. Finally, the Liaison Office helped organize visits of representatives from all Organs to New York and Washington DC throughout the reporting period.

8. [The way forward](#)

Looking forward, in 2020 the Registry will continue to support the judicial proceedings, including a possible appeal in the *Ayyash et al.* case and pre-trial developments in the Connected Case. It will also continue to provide efficient administration; engage the public; ensuring a safe and secure work environment; and secure continued political, financial and operational support for the Tribunal's mandate.

More specifically, in the coming year the Registry will continue efforts to maximize efficiency within the Tribunal and Registry. This includes an anticipated 2021 Budget reduction, despite a projected increase in judicial activities.

The significance of the Tribunal's role in the international fight against impunity cannot be understated. Spurred by the attack that killed the former Lebanese Prime Minister, Rafik Hariri, and against a backdrop of over 80 attacks against prominent politicians, government officials and journalists since Lebanese independence, the creation of the Tribunal represents the international community's response to the demand of the Lebanese people for assistance.

The Tribunal's directive is to conduct independent investigations and criminal proceedings, to assist in overcoming impunity and to pursue justice. It exists to serve the victims affected by the crimes within its jurisdiction, and the people of Lebanon more broadly.

The Tribunal achieved key milestones in this journey over the past year that collectively, reflect Tribunal-wide efforts:

- Progress towards the delivery of the Trial Judgment in the *Ayyash et al.* case, the first international judgment addressing the crime of terrorism, concerning the 14 February 2005 assassination of former Lebanese Prime Minister, Rafik Hariri;
- The confirmation of an indictment and commencement of the pre-trial phase in the Connected Case, marking the beginning of proceedings in relation to three other attacks within the Tribunal's jurisdiction, perpetrated on 1 October 2004, 21 June 2005 and 12 July 2005, against Mr Marwan Hamade, Mr Georges Hawi and Mr Elias El-Murr, respectively; and
- The creation of a second Trial Chamber dedicated to proceedings in the Connected Case, and composed in a manner intended to ensure the most efficient use of the Tribunal's resources.

We owe the Tribunal's many accomplishments detailed in the pages of this report, first and foremost, to those Tribunal personnel who continue to work tirelessly behind the scenes facilitating our day-to-day operation. Their commitment to delivering upon the expectations of the Lebanese people, and of the victims of the crimes under our jurisdiction in particular, remains resolute. While the exceptional nature of our work and jurisdiction poses many unique challenges, our stakeholders can take encouragement from the professionalism and dedication our staff display on a daily basis.

The Tribunal also owes much to Lebanon, and to our international partners, for cooperation and support that is indispensable to the completion of our mandate. Simply put, without the diplomatic and financial support we receive from the international community and from Lebanon in particular, our mission would not be possible. Our unique hybrid model, the brainchild of negotiations between Lebanon and the United Nations, speaks to the enduring value of multilateralism to contribute to a more just world. We recognize our responsibilities to deliver on the expectations of our stakeholders through a commitment to the delivery of the highest standards of international criminal justice.

Over the next reporting period, therefore, we reaffirm our core commitments, to the expeditious and efficient completion of judicial activities, the good administration of justice, and to furthering the fight against impunity for those serious crimes that fall within our jurisdiction.

Special Tribunal for Lebanon
Geographical Representation of International Staff Recruited at the
Professional Level and Higher and in the FS Categories

As of 31 December 2019

State	Number of nationals	State	Number of nationals
Argentina	1	Japan	1
Australia	17	Lebanon	29
Austria	1	Malaysia	1
Belgium	3	Montenegro	1
Bosnia and Herzegovina	4	Nepal	1
Brazil	1	The Netherlands	11
Bulgaria	1	Palestinian territory	2
Canada	18	Republic of Moldova	2
China	1	Romania	2
Czech Republic	1	Russian Federation	4
Denmark	1	Serbia	4
Egypt	3	Sierra Leone	1
Estonia	1	South Africa	8
Fiji	1	Spain	3
Finland	1	Sudan	1
France	16	Sweden	2
Germany	4	TFYR of Macedonia	2
Greece	1	Tunisia	2
Hungary	2	Turkey	1
India	1	Ukraine	3
Iran	1	United Kingdom	29
Iraq	1	United Rep. of Tanzania	1
Ireland	7	United States of America	17
Italy	10		
Total Staff	226		

Special Tribunal for Lebanon
Geographical Representation of General Services Staff
As of 31 December 2019

State	Number of nationals	State	Number of nationals
Albania	2	Nepal	2
Belgium	1	The Netherlands	55
Bosnia and Herzegovina	2	Pakistan	2
Brazil	1	Romania	2
Canada	3	Serbia	5
Croatia	1	Sierra Leone	5
Egypt	2	Slovak Republic	1
Ethiopia	1	South Africa	2
Finland	1	Stateless	1
France	8	Tunisia	2
Georgia	1	Turkey	1
Iraq	1	Uganda	1
Ireland	6	Ukraine	1
Italy	2	United Kingdom	13
Kenya	2	United States of America	3
Latvia	1	Uzbekistan	1
Lebanon	41		
Total Staff	173		

Special Tribunal for Lebanon

Donors

Since its establishment in 2009, the Tribunal has received contributions from the below list of 29 donors, from across five distinct geographical regions. According to its founding documents, 49% of the Tribunal's Budget shall be funded by Lebanon, with the remaining 51% funded by voluntary contributions. Lebanon has met its international financial obligation every year.

Donor	Donor
Austria	Kuwait
Australia	Lebanon
Belgium	Luxembourg
Canada	Morocco
Croatia	The Netherlands
Czech Republic	New Zealand
Denmark	Other States
European Union	Russian Federation
Finland	Sweden
France	TFYR of Macedonia
Germany	Turkey
Hungary	United Kingdom
Ireland	United States of America
Italy	Uruguay
Japan	
Total	29