

**SPECIAL  
TRIBUNAL  
*for* LEBANON**

Twelfth Annual Report (2020 - 2021)

# Foreword by the President

I am pleased to present Special Tribunal for Lebanon's 12<sup>th</sup> annual report, covering the period from 1 March 2020 to 28 February 2021.

## A year of major accomplishments

A key milestone was achieved in 2020: the delivery of the Trial Judgment in the *Ayyash et al.* Case, on 18 August, followed by the Sentencing Judgment on 11 December. The judgments stand as a signal of what is possible for those who have demanded an end to impunity, and as a beacon of hope to victims of terrorist crimes that the truth will be accounted for. The Connected Case also proceeded through much of the pre-trial phase, with the trial now scheduled to begin on 16 June 2021. As a result, the STL entered a new phase as it moves towards completing its pending caseload. This presented both novel challenges and unique opportunities.



Ivana Hrdličková  
President

## Adapting operations to respond to a changing environment

Following the landmark delivery of the *Ayyash et al.* Judgment, and with the support and input of the Management Committee and the United Nations Office of Legal Affairs, the STL has reviewed and restructured its operations for the upcoming phases of its work. The result is a smart, lean, and adaptable institution, poised to complete the remaining trials and appeals expeditiously.

The United Nations Secretary-General has extended the STL's mandate for a further two years from 1 March 2021, during which the STL is expected to complete its current cases efficiently and expeditiously. We are grateful to Lebanon, the United Nations

and the international community for this vote of confidence, and for the ongoing support and cooperation render our work possible.

Without the commitment of the STL personnel—Staff, Contractors, Interns, Judges and Principals—the achievements described in the following pages would not be possible. They have shown incredible resilience and composure in the face of the STL’s downscaling, the COVID-19 pandemic, and the Beirut Port explosion, in which some of our colleagues were injured, suffered harm, or lost loved ones. Yet throughout a difficult year, STL personnel have continued to demonstrate professionalism, ingenuity, and dedication to our mission. I am fiercely proud of those who have contributed to our mission. This report reflects their collective successes.

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# Reporting Period Highlights

## Chambers

### Key Highlights

- 1. On 18 August 2020, Trial Chamber I delivered its [judgment in the Ayyash et al. Case \(STL-11-01\)](#), concerning the 14 February 2005 assassination of the former Lebanese Prime Minister, Rafik Hariri. In its 2,641 page Judgment, Trial Chamber I convicted Mr Salim Jamil Ayyash of all counts against him and found three other Accused not guilty on all counts charged. Trial Chamber I also issued an accompanying 149-page Judgment Summary and the text of its public pronouncement to assist the public by making its key factual and legal findings more accessible. Following a Sentencing Hearing on 10 November 2020, Trial Chamber I issued its Sentencing Judgment on 11 December 2020, sentencing Mr Ayyash to five concurrent sentences of life imprisonment.**
- 2. The Pre-Trial Chamber, Trial Chamber II and Appeals Chamber proceeded with [the pre-trial phase in the Connected Case \(STL-18-10\)](#), concerning the attacks against Lebanese politicians, Mr Marwan Hamade, Mr Georges Hawi and Mr Elias El-Murr. The Pre-Trial Judge issued decisions ensuring victims' participation and representation in the proceedings, held multiple Status Conferences, and scheduled the filing of pre-trial briefs and other key documents prior to the start of trial. Trial Chamber II disposed of preliminary motions including jurisdictional challenges and allegations of defects in the form of the indictment, as well as other pre-trial motions. The Appeals Chamber rendered decisions on appeals from decisions of the Pre-Trial Judge and Trial Chamber II filed by the Duty Legal Representative of Victims on behalf of victim applicants, and Defence Counsel.**
- 3. Chambers conducted [modified court hearings](#) which allowed for attendance and participation from inside and outside the courtroom, from STL premises, and remotely from other locations, via video link, where necessary. This adaptation to remote participation through secure video-conferencing technology with the functionality to support participation in multiple languages allowed court hearings to continue, after a temporary suspension of legal deadlines in the Ayyash case, despite the limitations posed by the COVID-19 pandemic, social distancing requirements and travel restrictions — ensuring the health and safety of all those participating in, or assisting with, court proceedings.**

4. **Chambers reviewed all budget lines, covering judicial and non-judicial activities, in order to identify all possibilities for savings, improving procedures and practices, and promoting cost-effective, high-quality outcomes.** The exercise has resulted in smaller teams of support staff working with judges, the merger of a single support structure to assist in the pre-trial and trial stages, and revised judicial remuneration model developed as part of the 2021 budget strategy.
5. **The Office of the President has continued to drive initiatives in Chambers aimed at enhancing the quality, pace, transparency and cost-efficacy of international criminal justice at the STL.** The President has explored possibility for reforming internal rules and procedures, supported the implementation a Strategic Plan for the 2021-2022 biennium, and is integrating performance measurement and evaluation into improved reporting practices to enhance meaningful cooperation with the STL's Management Committee. The implementation and development of key performance indicators and a Practice Direction on time frames for certain judicial decisions are amongst the strategies Chambers has adopted for supporting the ambitious targets in the Strategic Plan.
6. **The President has continued to engage with the diplomatic community and external stakeholders,** including members of the STL's Management Committee, representatives of the Lebanese Government, counterparts in the United Nations and representatives of other states, including Security Council members, in order to promote support for the STL's mandate and mission.

# Office of the Prosecutor

## Key Highlights

1. **The Prosecution obtained a conviction with five concurrent sentences of life imprisonment in the *Ayyash et al. Case*.** Although, from a prosecution perspective, a conviction *in absentia* may be the second best option in a judicial case against the accused, it provides to the victims and to the Lebanese people a narrative of how the events unfolded and led to the assassination of the former Prime Minister, to a further 21 people killed and 226 injured. Despite the complexity and challenges of proceeding on a case dependent on circumstantial evidence arising from technical communications data, the Prosecution was able to proceed and obtained the conviction of one Accused.
2. **In January 2021, the Prosecution filed a Notice of Appeal in the *Ayyash et al. Case*** alleging errors of law and fact in the Judgment of the Trial Chamber rendered on 18 August 2020. The Prosecutor submitted that such errors invalidate the Judgement and requested that Appeals Chamber grant the appeal and enter convictions against Mr Merhi and Mr Oneissi.
3. **In November 2020, the Prosecution filed its Pre-Trial Brief in the *Connected Case*.** The Pre-Trial Brief elaborates on the allegations and charges in the Indictment, and was accompanied by the Prosecution witness and exhibit lists. This involved the disclosure to the Defence and Legal Representatives of Victims (LRVs) of the statements of 275 individual witnesses and 2838 exhibits together with their related translations. Over the reporting period, the Prosecution also continued to provide to the Defence Counsel material relevant for the preparation of their case, in order to ensure the integrity of the proceedings and a fair trial and has engaged in negotiations with the Defence aimed at reaching “Agreements as to Evidence”. Despite the fact that since March 2020 the Prosecution worked remotely due the COVID-19 pandemic, with the significant technical and security related limitations that this entails, the Prosecution was able to progress in all pre-trial activities and meet the relevant judicial deadlines thanks to the adaptability, perseverance and commitment of the Prosecution staff.
4. **The Office of the Prosecutor made significant progress in the comprehensive assessment of all prioritized potentially related attacks under review.** This was achieved in spite of the situation prevailing in Lebanon since October 2019, the challenges posed by the COVID-19 outbreak, and finally the drastic 39% budget reduction. If the Prosecutor is satisfied that there is a requisite connection to the 14 February 2005 attack, the Prosecution will take the steps necessary to seek jurisdiction over these cases in accordance with the Statute. If not, then the Prosecutor will ensure the preparedness and ability of the Prosecution, 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 STL, but also from the Prosecution to Lebanon.

5. **The Prosecutor, as a matter of financial transparency and accountability, promoted among the Principals the need for the Organs to align their activities so that the expenditures strictly adhere to the projected income.** The Prosecutor proactively and constructively engaged with the other Principals to address the Management Committee’s call for budget reductions, played a leading role in advocating for the achievement of such required budget reductions by the STL, and actively contributed to the development of the 2021-2022 Strategic Plan. In this context, the Prosecutor completed a **full review of the Prosecution’s operational needs in order to achieve** a 39% budget reduction so that in 2021 the Prosecution will be able to pursue its objectives and priorities with reduced staff and operational costs. Reductions were based on the mandate, operational requirements and the Prosecution’s obligations in the court proceedings. The Office of the Prosecutor also **contributed to the development of the STL’s administrative framework for adapting the working arrangements in the context of the Covid-19 pandemic** to ensure productivity and efficiency while applying remote working modalities as well as support staff’s well-being.

# Defence Office

## Key Highlights

- 1. A new Defence team in the Connected Case was composed in accordance with the Legal Aid Policy.** Following the assignment on 6 February 2020 of Counsel representing the interests and rights of Mr Ayyash, the Defence Office, in conjunction with Counsel and with the support of the Registry, recruited four persons assisting counsel, a telecommunications expert and a number of interns. As a result of the Covid-19 pandemic, the Office had to meet the challenges of completing most of these recruitments as expeditiously as possible and remotely, and of ensuring that some members of the Defence team were able to take up their positions without having access to the STL premises.
- 2. The Defence Office provided operational support to the Defence teams in the *Ayyash et al.* case and the Connected Case during the Covid-19 pandemic.** The Office has ensured that the Defence teams have the necessary equipment in order to work, communicate and to participate in the hearings remotely. In the Connected Case, the Office has made every effort to ensure that the Defence team has the logistical and technical support required in order for it to have the operational capacity for efficient and expeditious remote working. However, the limited access to the STL premises has had a significant impact on the working conditions of the team. The Office referred to these difficulties in its Observations filed on 12 May 2020. Following the acquittal of Mr Sabra in the *Ayyash et al.* case, the Office assisted Counsel representing his interests and rights in the final archiving of the case file.
- 3. Ongoing legal support to all the Defence teams in the *Ayyash et al.* case and the Connected Case.** This support has taken various forms, including: preparing legal memoranda and providing legal opinions; the continuation of projects aimed at supporting Counsel in their daily work (a Digest of Case Law of the STL, a weekly review of legal developments at the other international criminal courts and tribunals and a Manual for Defence Counsel practising before the STL); and organizing round tables entitled “From Defence to Defence” in collaboration with the Office of Public Counsel for the Defence of the International Criminal Court.
- 4. As part of the Defence Office’s institutional role at the STL,** the Head of Defence Office, together with the other Heads of Organ, took part in the meetings of the Senior Management Board and in the outreach activities of the STL such as, notably, the Inter-University Programme of International Criminal Law and Procedure. The Office contributed to the development of the measures adopted at the STL in response to the Covid-19 pandemic. It further reviewed its operational requirements, following discussions with the STL’s Management Committee, which resulted in a 39% reduction in the Defence Office’s budget for the year 2021. Moreover, the Office undertook a number of cooperation activities and took part remotely in events organized by different interlocutors of the Defence Office, such as the International Association of Lawyers and the International Gender Champions network.

# Registry

## Key Highlights

1. **From March 2020, the Registry oversaw a rapid and effective internal response to the COVID-19 pandemic**, including development of remote working arrangements and tenfold increase in remote working capacity. **For example, the Registry facilitated remote participation in hearings for the Judges and Parties.** The Registry also reinforced the STL's capabilities in streaming proceedings to remote audiences, providing access for the public, media, and diplomatic community during the COVID-19 pandemic.
2. **In support of the pronouncement of the Trial Judgment and Sentencing Judgment in the Ayyash et al. Case**, the Registry provided numerous services. This included coordinating attendance of Victims Participating in the Proceedings, journalists and diplomats, to the extent possible under limitations arising from the COVID-19 pandemic. Following an internal audit review, the Registry **certified the Trial Record** in the *Ayyash et al.* Case, confirming it as full and accurate.
3. **Thirty-one victims are designated as Victim Participating in the Proceedings in the Connected Case.** The Registry assisted with their applications to obtain this judicial determination of their status. Further, the Registry appointed three new Legal Representatives for Victims, and facilitated the creation and recruitment of three teams to assist represent them.
4. **The Registry facilitated timely and accurate engagement with the public** through the STL Spokesperson, new online media campaigns, (audio-visual) publications, and outreach events.
5. **The Registry continued to provide essential judicial and administrative support services.** The Registry **reorganized** all of its operations, structures and priorities to reduce size and increase agility, leading to an overall 39% reduction of its budget. For example, the Registry coordinated the STL's **response to change management**. This included the submission of STL's 2021 **budget with a 37% reduction** and the development of a **Strategic Plan for the 2021-2022 biennium**. An **Advisory Committee on Audit and Finance** was created under the Management Committee, by the Registry, in furtherance of the Strategic Plan. This body of independent experts was established to examine the STL's approach to financial management, internal controls and risk management.
6. **The Registry coordinated the STL's engagement with states in order to secure operational and financial support.** It adjusted the STL's fundraising strategy, in line with the new donor landscape and the Strategic Plan.

# Judicial Proceedings

## STL-11-01

### ***Prosecutor v. Ayyash, Merhi, Oneissi & Sabra*** **(“Ayyash et al. Case”)**



The *Ayyash et al.* Case concerns the 14 February 2005 attack in Beirut that killed former Lebanese Prime Minister Rafik Hariri and 21 others, and injured 226 more. The Accused who faced trial *in absentia* were Mr Salim Jamil Ayyash, Mr Hassan Habib Merhi, Mr Hussein Hassan Oneissi and Mr Assad Hassan Sabra. They were charged with conspiracy to commit a terrorist act, along with a number of other related charges. Originally, Mr Mustafa Amine Badreddine was also indicted, but proceedings against him were terminated without prejudice on 11 July 2016, following the determination by the Appeals Chamber that there was sufficient evidence to conclude that he was deceased.

The trial opened on 16 January 2014.

The closing arguments in the case concluded after 9 hearing days on 21 September 2018.

A Trial Judgment was rendered on 18 August 2020.

A Sentencing Judgment was delivered on 11 December 2020.

The Prosecution, Ayyash Defence and LRV filed notices of appeal on 12 January 2021.

### **The *Ayyash et al.* Case in numbers**

<b>297</b>	<b>Witnesses</b>	<b>3131</b>	<b>Exhibits</b>
<b>5265</b>	<b>Filings</b>	<b>1556</b>	<b>Decisions</b>
<b>415</b>	<b>Court hearings</b>	<b>150,000 +</b>	<b>Pages of evidence</b>
<b>93,933</b>	<b>Pages of transcript in 3 languages</b>	<b>70</b>	<b>Victims Participating in the Proceedings</b>

## Key developments during the Reporting Period

1. On 5 August 2020, Trial Chamber I issued a notice of postponement deferring the public pronouncement of the Judgment in the *Ayyash et al.* Case, which it had scheduled for Friday, 7 August. This was out of respect for the countless victims of the explosion that shook Beirut on 4 August, and the three-day period of public mourning in Lebanon.
2. By way of orders dated 9 April and 17 August 2020, Trial Chamber I rescinded the protective measures of certain Victims Participating in the Proceedings (VPP), following applications by the LRV. On 30 July and 17 August 2020, Trial Chamber I issued orders permitting VPP to attend the public pronouncement of the judgment in the courtroom.
3. On 18 August, Trial Chamber I pronounced its Judgment in the *Ayyash et al.* Case. Trial Chamber I unanimously found Mr Salim Jamil Ayyash guilty beyond reasonable doubt of all charges against him and found Mr Hassan Habib Merhi, Mr Hussein Hassan Oneissi and Mr Assad Hassan Sabra not guilty of all the counts charged against them in the indictment.
4. Following the pronouncement of the judgment, the Parties prepared and filed detailed written submissions on sentence before Trial Chamber I (the Prosecution, on 1 September, and the Ayyash Defence, on 25 September). Trial Chamber I also authorized the LRV to make written submissions, which were filed on 18 September. In a Sentencing Hearing held by Trial Chamber I on 10 November, the Prosecution, Ayyash Defence and the LRV made detailed oral submissions as to the appropriate sentence.
5. On 11 December, Trial Chamber I rendered its Sentencing Judgment imposing a penalty of five concurrent sentences of life imprisonment in respect of Mr Ayyash's convictions. On 15 December, the Ayyash Defence indicated their intention to appeal both the Trial Judgment and Sentencing Judgment.
6. On 12 January 2021, the Prosecution, Ayyash Defence and LRV filed notices of appeal, beginning the appellate proceedings in the *Ayyash et al.* Case. The Ayyash Defence notice of appeal included submissions on assigned Defence Counsel's standing to lodge an appeal against trial and sentencing judgments rendered *in absentia*. The LRV notice of appeal included submissions on its standing to file the notice and on its admissibility. In its decision of 24 February, the Appeals Chamber found the LRV's notice of appeal inadmissible and determined the modes of victim participation in the appellate phase.
7. The Ayyash Defence filed an application pursuant to Rule 25 of the Rules of Procedure and Evidence on 12 January, seeking the disqualification of Judge Ralph Riachy from determining the discrete matter of assigned Counsel's standing to exercise Mr Ayyash's right of appeal against the Trial Judgment and Sentencing Judgment. A Rule 25 Panel designated by the President examined the application, the submissions filed by the Parties and the views of Judge Riachy, and on 3 February 2021, dismissed it as unfounded.
8. During the reporting period, in the interests of transparency, Trial Chamber I issued public redacted versions of various decisions delivered confidentially throughout the trial proceedings.

## **Ayyash et al. Trial Judgment**

On 18 August, Trial Chamber I pronounced its Judgment in the *Ayyash et al.* Case.

Trial Chamber I unanimously found the **Accused, Mr Salim Jamil Ayyash, guilty beyond reasonable doubt** as a co-perpetrator of all the counts against him in the amended consolidated indictment, namely:

- **Conspiracy aimed at committing a terrorist act;**
- **Committing a terrorist act by means of an explosive device;**
- **Intentional homicide of Mr Rafik Hariri with premeditation by using explosive materials;**
- **Intentional homicide of 21 additional persons with premeditation by using explosive materials; and**
- **Attempted intentional homicide of 226 persons with premeditation by using explosive materials.**

Trial Chamber I acquitted three Accused, Mr Hassan Habib Merhi, Mr Hussein Hassan Oneissi and Mr Assad Hassan Sabra, finding them not guilty of all counts charged in the amended consolidated indictment.

## **Ayyash et al. Sentencing Judgment**

On 11 December 2020, Trial Chamber I pronounced its Sentencing Judgment. It unanimously sentenced Mr Ayyash to five concurrent sentences of life imprisonment. It held that each of Mr Ayyash's five crimes is, individually, serious enough to attract the maximum sentence, namely imprisonment for the remainder of his life.

Trial Chamber I also recommended that the Government of the Lebanese Republic establish an independent and neutral statutory compensation scheme for the victims of crimes that have occurred in Lebanon and that a trust fund for victims of attacks determined to be within the STL's jurisdiction be established.

Trial Chamber I issued a renewed arrest warrant, an international arrest warrant, and an order and request for the transfer and detention of Mr Ayyash. It also called on those shielding Mr Ayyash from justice to surrender him to the STL.



### **Watch online:**

#### **[Why is the Judgment important for International Criminal Justice](#)**

Watch the Spokesperson speak about the Trial Judgment in the *Ayyash et al.* Case (STL-11-01).

Scan the QR code or click on the [hyperlink](#) to view online.

## Appellate phase

On 4 January 2021, the LRV filed a request seeking permission for the VPPs to participate in the appellate stage of proceedings. The Prosecution takes no issue as to the LRV participating in appeal proceedings in accordance with the Rules once initiated by the Prosecution or a convicted person. The Ayyash Defence argues that victim participation must be limited to issues raised by the parties on appeal, only where they affect the victim's personal interests. The Merhi and Oneissi Defence jointly oppose the request, which they consider is premature, and ask the Appeals Chamber to dismiss.

On 12 January 2021, the Prosecution, Ayyash Defence and LRV filed notices of appeal.

- The **Prosecution** appeals the acquittals of Mr Merhi and Mr Oneissi. It alleges errors of law and errors of fact in the Trial Judgment and submitted that such errors invalidate the Judgment and occasion a miscarriage of justice.
- The **Ayyash Defence** seeks to challenge every finding of guilt returned by Trial Chamber I in the Trial Judgment and requested that all convictions entered against Mr Ayyash are overturned. The Ayyash Defence further seeks that, in the event the convictions are upheld, a single sentence be imposed. The Ayyash Defence submits that the assigned Defence Counsel have the standing to lodge an appeal against trial and sentencing judgments rendered *in absentia*. In a response of 3 February, the Prosecution argued that the assigned Defence Counsel have no standing to initiate an appeal *in absentia*.
- The **LRV** seeks to appeal against sentence, alleging that Trial Chamber I erred in law in that it failed to impose financial penalties in the form of fines and/or compensation orders, and in that it did not request the Lebanese authorities to trace, seize and freeze assets belonging to Mr Ayyash. The Prosecution and Ayyash Defence each argue that right of appeal is reserved for the parties and that the LRV notice of appeal is inadmissible.

On 24 February 2021, the Appeals Chamber found that the notice of appeal filed by the LRV was inadmissible, but that the LRV would retain a right to participate in the appellate proceedings, including by continuing to have access to public and confidential filings and materials, and by being able to express victims' views and concerns.

The Appeals Chamber's decision on the admissibility of the Ayyash Defence appeal will be rendered in due course.

## SPOTLIGHT

### Victims' Participation

“

***[J]ustice is also not to forget the victims' right to see their oppressor tried, [and] their right to protection to prevent similar aggressions in the future [...]. But how do you restore or repair a father you have lost, a daughter, a son, an arm, eyesight? How? [J]ustice cannot undo the harm done to our clients. Justice can and will render justice and give them their rights.***

”

Legal Representative of Victims  
17 January 2014



#### Watch online:

#### [Journey to Justice – Victims participation at the STL](#)

In this short documentary, victims participating in the *Ayyash et al.* Case share their personal stories about the 14 February 2005 attack, highlighting its impact on their lives, and their hopes and expectations for the STL.

Scan the QR code or click on the [hyperlink](#) to view online.

# STL-18-10

## ***Prosecutor v. Ayyash*** **("Connected Case")**



The Connected Case (also known as the *Ayyash* Case) relates to the attacks against three Lebanese politicians, Mr Marwan Hamade, Mr Georges Hawi and Mr Elias El-Murr, on 1 October 2004, 21 June 2005 and 12 July 2005, respectively. In 2011, the Pre-Trial Judge determined that these attacks are *prima facie* connected to the 14 February 2005 attack against former Lebanese Prime Minister, Rafik Hariri.

On 1 October 2004, an explosive device targeted Mr Marwan Hamade in Beirut. Mr Hamade and another person were injured, and his bodyguard Mr Ghazi Abou-Karroum was killed.

On 21 June 2005, an explosive device targeted Mr Georges Hawi in Beirut. Mr Hawi was killed and two other persons were injured.

On 12 July 2005, an explosive device targeted Mr Elias El-Murr in Antelias. Mr Khaled Moura, who was driving past in another vehicle, was killed, and Mr El-Murr and fourteen others injured.

In 2019, the Pre-Trial Judge confirmed an indictment in this case against the Accused, Mr Salim Jamil Ayyash. Mr Ayyash is charged with five counts:

- Conspiracy aimed at committing a terrorist act;
- In the alternative to conspiracy aimed at committing a terrorist act, criminal association;
- Committing a terrorist act;
- Intentional homicide with premeditation of Mr Ghazi Abou-Karroum, Mr Georges Hawi and Mr Khaled Moura; and
- Attempted intentional homicide with premeditation of Mr Elias El-Murr, Mr Marwan Hamade and 17 other persons.

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### FAQ

#### **What is the difference between the *Ayyash et al.* Case and the *Ayyash* Case?**

The *Ayyash* Case (STL-18-10) relates to three attacks against Mr Marwan Hamade, Mr Georges Hawi and Mr Elias El-Murr. These attacks were found to be *prima facie* connected to the 14 February 2005 attack against former Prime Minister Rafik Hariri. Mr Ayyash, the Accused in the *Ayyash* Case (STL-18-10) was found guilty beyond reasonable doubt in the *Ayyash et al.* Case (STL-11-01), which relates to the 14 February 2005 attack that led to the killing of former Prime Minister Hariri and 21 others, and injured 226 more. Despite having one common Accused, Mr Ayyash, these two cases are distinct from each other and are at different stages of the proceedings.

## Key Developments during the Reporting Period

1. The Pre-Trial Judge, after consultation with Trial Chamber II, issued consecutive orders suspending legal deadlines from 13 March until 30 June amidst the exceptional circumstances caused by the COVID-19 outbreak including the limited access of personnel to the STL premises. The Pre-Trial Judge nevertheless established deadlines for the filing of preliminary motions by the Defence, ensuring that the proceedings progressed.
2. In a decision of 17 April, the Pre-Trial Judge granted Victim Participating in the Proceedings status to 29 victims, out of 33 who applied to participate in the proceedings. One VPP has since withdrawn. In a decision of The Registrar designated three Legal Representatives of Victims counsel on 15 June, in consultation with the Victims' Participation Unit, to represent the victims of the three attacks, respectively. The Pre-Trial Judge established the modalities of victims' participation in the proceedings in decisions issued on 26 June.
3. The Appeals Chamber, on 6 August, granted appeals filed by the Duty LRV on behalf of two victim applicants whose applications for VPP status the Pre-Trial Judge had found to be incomplete and remitted the victims' applications to the Pre-Trial Judge for his examination. In decisions of 27 August and 8 September, the Pre-Trial Judge then granted VPP status to three additional victims, whose applications had initially been rejected.
4. On 3 June 2020, the Defence filed a preliminary motion challenging the Pre Trial Judge's Decision on the Prosecutor's Connected Case Submission of 30 June 2011 and the indictment confirmed against Mr Ayyash on the basis of this decision, arguing that the STL does not have subject matter jurisdiction over the alleged attacks. Trial Chamber II dismissed the Defence motion on 10 September, deeming the three attacks *prima facie* connected to the Hariri's attack.
5. The Defence appealed Trial Chamber II's decision dismissing its preliminary motion challenging jurisdiction on 21 September, arguing that Trial Chamber II had erred in law and fact in the interpretation and application of Article 1 of the STL Statute. In its decision of 26 October, the Appeals Chamber dismissed the appeal, holding that the Defence had not demonstrated any error of law that invalidated the impugned decision, nor any error of fact that occasioned a miscarriage of justice.
6. On 2 July, the Defence requested Trial Chamber II to reconsider its 5 February decision to hold a trial *in absentia*. After ordering and receiving additional submissions from the Defence and observations from the Registry, Trial Chamber II issued a decision denying the Defence request for reconsideration on 21 October. On 8 December, Trial Chamber II dismissed a Defence request for certification to appeal.
7. On 21 July, the Defence filed a preliminary motion alleging defects in the form of the indictment against Mr Ayyash, arguing that it did not satisfy the requirements of specificity necessary for its validity. The Prosecution objected to the Defence motion in a response of 11 August. On 28 September, Trial Chamber II rejected the Defence motion, finding that the indictment provides counsel with detailed information on the nature and cause of the charges, sufficient to allow them to prepare a defence of the case at trial. On 20 November, Trial Chamber II rejected a Defence request for certification to appeal.

8. On 16 September 2020, the Pre-Trial Judge set an initial working plan and deadlines for the Parties and LRVs to file their pre-trial filings pursuant to Rule 91. This initial working plan was subsequently modified and the deadlines extended due to the COVID-19 pandemic.
9. The Prosecution filed its pre-trial brief on 20 November (and public redacted version on 15 December). At over 180 pages, the pre-trial brief was accompanied and followed in later weeks by lists of exhibits and witnesses that the Prosecution intends to present at trial in relation to various aspects of its case against the Accused. This involved the disclosure to the Defence and LRVs of the statements of 275 individual witnesses and 2838 exhibits together with their related translations. The Pre-Trial Judge transferred these Prosecution filings to Trial Chamber II on 17 December so that it could familiarize itself with the file. The LRVs filed lists of witnesses they would like called, and exhibits they would like admitted, on 29 January 2021. The Defence pre-trial brief is due by 23 April 2021.
10. In meeting its ongoing disclosure obligations, the Prosecution disclosed to the Defence and LRV 305 batches of material (amounting to approximately 20,000 documents) pursuant to Rules 91, 110 (A) (ii), 110 (B) and 113 of the Rules of Procedure and Evidence. In addition, the Prosecution provided the LRV with copies of the supporting material that accompanied the indictment when confirmation was sought pursuant to Rule 110 (A) (i). Over the reporting period, the Prosecution and Defence engaged in negotiations aimed at reaching “Agreements as to Evidence” within the framework of Rule 122 of the Rules.
11. The Pre-Trial Judge conducted five Status Conferences in the Connected Case, held on 22 July, 16 September, 4 November and 16 December 2020, and 3 February 2021, with most of the participants attending the hearings via video conference in light of prevailing COVID-19 situation and travel restrictions. On 25 February 2021 the Pre-Trial Judge issued a Scheduling Order setting 16 June 2021 as a tentative date for the start of trial.



## Other Matters

On 30 August 2005, four Lebanese generals – Mr Jamil Mohamad Amin El Sayed, Mr Ali Salah El Dine El Hajj, Mr Raymond Fouad Azar and Mr Mostafa Fehmi Hamdan – were detained by Lebanese authorities in connection with the investigation into the 14 February 2005 attack.

In the STL's first decision, at the request of the Defence Office, late STL President Antonio Cassese ordered the Lebanese authorities to immediately release the generals from solitary confinement, to allow them to communicate with each other upon request, and to ensure that their right to freely and privately communicate with their counsel be fully implemented.

On 29 April 2009, the Pre-Trial Judge determined that there was no basis on which to continue to hold the four generals and ordered their immediate release. The Lebanese authorities complied the same day.

Mr El Sayed and Mr El Hajj subsequently sought the disclosure of documents held by the Prosecutor.

### ***In the Matter of El Sayed***

After his release in 2009, Mr El Sayed sought the disclosure of documents held by the Prosecutor relating to his prior detention in Lebanon. The Prosecutor argued that the release of these documents could prejudice ongoing or future investigations and potentially put people's lives at risk. Following a public hearing, the Pre-Trial Judge ordered that the Prosecutor release more than 270 documents to Mr El Sayed, who appealed the decision. The Appeals Chamber sent the file back to the Pre-Trial Judge with instructions to ensure the appropriate and expeditious classification of documents that had not been disclosed to Mr El Sayed. The Pre-Trial Judge subsequently ordered the Prosecutor to regularly conduct risk assessments to determine whether further documents should be disclosed. These regular assessments and updates are ongoing.

### ***In the Matter of Hamdan***

In a request of 24 September 2020, Mr Hamdan sought to make submissions in relation to his unlawful detention and the violation of his human rights before the STL President. The President assigned his request to the Pre-Trial Judge to determine whether the STL has jurisdiction over the request and whether the Applicant has standing to file it.

Mr Hamdan withdrew his request on 8 October 2020.

# Governance & Administration

## Procedural Reforms

### Practice Direction on the Record Book

Practice Directions are adopted or amended by the President, following consultation with the Council of Judges, Prosecutor, Head of Defence Office, and Registrar, in accordance with the procedure laid down in Rule 32 (E) of the STL Rules of Procedure and Evidence.

In 2021, the President adopted a **Practice Direction on the Record Book** to give effect to Rule 54 of the STL Rules of Procedure and Evidence, which requires the Registrar to “keep a Record Book, which shall list, subject to any Practice Direction issued under Rule 32 (E) or any order of a Judge or Chamber providing for the non-disclosure of any document or information, the particulars of each case brought before the Tribunal”. The Practice Direction provides guidance in relation to the content and format of, and access to, the Record Book.

### Expert Policy Review

In connection with a series of policies rolled out previously regulating certain rights, entitlements and obligations of judges (pertaining to matters such as remote working and participation in outside activities ) and practice that suggested some shortcomings, following consultations with the UN Office of Legal Affairs, the President and Registrar commissioned an expert review of relevant policies and practices to provide recommendations on how better to harmonize policies, systems and practices. The review was commissioned to respond to identified shortcomings, explore possible improvements, and help ensure the effective functioning and administration of Chambers. The review was conducted remotely from October to December 2020, and concluded with a series of recommendations for harmonizing policies, systems and practices. The Recommendations are to be considered for implementation by the President and Registrar.

# COVID-19 Response

## COVID-19 Response Team

In mid-March 2020, the STL set-up an inter-organ COVID-19 Response Team (CRT) coordinated by the Registry, to coordinate the STL's internal response to the COVID-19 pandemic. The STL's offices in Leidschendam and Beirut reduced physical presence to all but a limited number of officials and staff needed on-site to perform critical functions. The STL's judicial and support activities continued primarily through remote working arrangements and expanded technological tools.

During this unprecedented year, the STL operated pursuant to internal COVID-19 specific guidelines, aligned to those of the Dutch and Lebanese host states. These guidelines, designed to ensure the STL's ability to fulfil its mandate while also guaranteeing the safety and well-being of staff, remain in place and are reviewed on a regular basis by the CRT. They touch on a range of issues, including travel restrictions, quarantine rules, remote working and staff access to the Leidschendam and Beirut offices. The STL has also adapted its buildings with protective equipment and social distancing measures.

## Virtual Courtroom

Due to strict national COVID-19 measures, ordinary in-person judicial proceedings from the Leidschendam courtroom have not been possible. The STL ensured that judicial activities continued in by effectively and efficiently adapting how it holds its judicial proceedings. Relying upon in-house expertise, structures and procedures in place, the Registry coordinated with Chambers to adopt protocols that allowed remote judicial proceedings to be held. The Registry ensured that remote hearings were facilitated using communications technology, which did not require physical presence in the courtroom. This allowed for meaningful virtual participation from outside the courtroom and remote locations, adherence to the STL's Rules of Procedure and Evidence, the security of the proceedings and the protection of confidential information. A limited number of Judges, counsel and staff who were able to participate in-person were safeguarded through physical distancing, personal protection equipment and disinfection measures.

Remote proceedings with limited in person attendance are now commonplace. This adaptable approach highlights the STL's agile response to COVID-19, while at the same time ensuring the continuity of effective and efficient proceedings.

## Remote working environment

Since mid-March 2020, the STL has worked at full pace to adapt its IT systems to support a new way of working from home. The STL has overseen a more than tenfold increase in remote working capacity, including video conference meetings, webinars and town hall meetings.

Communicating with staff was a major challenge at the outset of the pandemic. In response, the Registry quickly set up a dedicated COVID-19 webpage for staff, on which messages from the Principals and regular CRT announcements are posted. Following the Beirut explosion on 4 August 2020, a

specific tab was created to ensure staff are informed of available support, in particular relating to mental health.

### Attending the courtroom during the COVID-19 pandemic

The introduction of COVID-19 restrictions only allowed a minimal number of media, general public and diplomats to attend hearings in person. These guests are able to refer to the [COVID-19 House Rules](#) and [Practical Information for Journalists](#), adopted in 2020, for health and safety rules which continue to be updated regularly in line with national measures.



# Strategic Priorities

The President, Prosecutor, Head of Defence Office and Registrar have worked together to restructure operations now that the STL has entered a new phase, following the delivery of the *Ayyash et al.* Trial Judgment. The result, is a tribunal with a lean, smart structure, a smaller but still adaptable workforce, and a dramatically reduced budget, effective from January 2021. Resulting from this process, adopted in October 2020 as part of the STL’s annual budget processes, is the STL’s Strategic Plan 2021-2022. It consists of five strategic priorities:

## STRATEGIC PRIORITY 1

**The Tribunal will conduct and complete core judicial activity in accordance with its mandate, impartially and independently, in the shortest timeframe possible**

## STRATEGIC PRIORITY 2

**The Tribunal will align its activities, expenditure and budget with projected income to maintain financial viability**

## STRATEGIC PRIORITY 3

**The Tribunal will evaluate and continually monitor its accumulated institutional knowledge to harmonize efficiencies, agility and results**

## STRATEGIC PRIORITY 4

**The Tribunal will secure adequate support to ensure the independence and integrity of its work**

## STRATEGIC PRIORITY 5

**The Tribunal will complete its mandate with the highest degree of probity**

Core values indispensable to the good administration of international tribunals will drive these processes: impartiality, independence, integrity, efficiency, transparency, accountability, respect, dignity and probity.

The Strategic Plan 2021-2022 builds upon lessons learned and best-practices gathered from the STL’s own experiences and those of other international tribunals and organizations—both in relation to justice processes and administrative practice. It has been adopted as an internal working document, developed following consultation with the STL’s Management Committee, and sets out various interconnected activities.

# Transition Planning

During 2020, the STL increased its readiness for the completion of its mandate via the Transition Residual Planning Project (TRPP). Building upon key policies and proposals for staff downsizing and the structure of a successor entity responsible for any residual functions established in 2019, the TRPP increased its readiness for the completion of its mandate by turning its focus to practical arrangements and resource requirements.

Work began to develop a proposed staffing table and budget for a dormant model form of successor entity, for presentation to the Management Committee.

Research was conducted on the staffing structure and budget adopted by successor entities of other institutions, in particular the Residual Special Court for Sierra Leone (RSCSL). The Office of the Chief of Administration conducted a survey of Principals and Registry Chiefs on preliminary staffing estimates based on a RSCSL model, and on specific STL-related ongoing obligations. This information will inform a draft staffing table and associated budget for a successor entity, for presentation to the Management Committee.

Relocation and asset disposal manuals have been finalised following a review of the approach taken by other international organisations that have transitioned to a smaller entity. Planning work continues in the areas of judicial and administrative archives, and for the STL's ongoing obligations in relation to victims and witnesses and legal and contractual matters.



# Stakeholder Engagement

As an international institution dedicated to the rule of law, informing and engaging stakeholders and the public in Lebanon and around the world about its work is critical to the STL's mission.

## External Relations

Virtual meetings replaced traditional diplomatic missions in 2020 as result of the COVID-19 pandemic. For instance, the President, Prosecutor, Head of Defence Office, and Registrar conducted regular video-conferences with the Management Committee to discuss the STL budget and Strategic Plan. The President and Registrar collectively briefed representatives of all members of the Management Committee and other diplomatic representatives in relation to the securing funding for the STL. The President also conducted numerous bilateral meetings with representatives of members of the Security Council and Management Committee in 2020 in support of the extension of the STL mandate.

## Outreach

In 2020, the STL completed the eighth edition of its flagship [Inter-University Programme of International Criminal Law and Procedure](#) in Beirut. In partnership with eleven Lebanese Universities, the T.M.C Asser Institute and, from 2018, the Lebanese NGO International Transitional Justice Resource Center (ITJRC), the program has educated approximately 1,200 young lawyers and others on various aspects of international criminal law. Following its success, at the end of 2020, the STL handed the program to the ITJRC and the T.M.C Asser Institute, which will continue to run the program with the participating Lebanese Universities.

## Social Media and Publications

To mitigate the impact of COVID-19 restrictions on the media and public's physical access to the hearings, the Public Information and Communications Section of the Registry heavily promoted the public's ability to video stream the remote proceedings on the STL website in Arabic, English and French. In addition, to accommodate for the increased Lebanese interest in the pronouncement of the *Ayyash et al.* Trial Judgment, the Registry provided live streaming on YouTube in Arabic and a satellite truck for media outlets to stream the Judgment live on national television and news websites.

The website and social media platforms remain the STL's most widely-used tools to disseminate information to the public. There, the public can find frequently updated publications and audio-visual materials.

# Finance & Staffing

## Financial Statement

### Overview

#### 2020

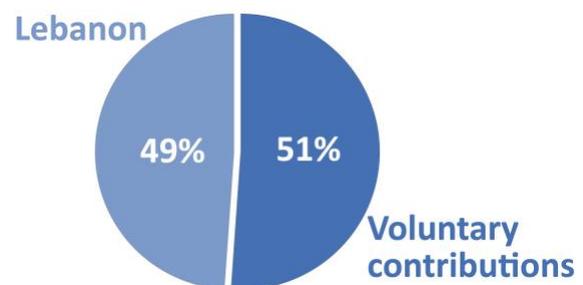
Budget reduction *vis-à-vis* 2019: **0.03 %**

#### 2021

Budget reduction *vis-à-vis* 2020: **37 %**

### Funding model

The STL is an independent, judicial organisation composed of Lebanese and international judges. It is neither a UN court nor part of the Lebanese judicial system. Voluntary contributions make up 51 per cent of its funding and 49 per cent comes from Lebanon.



### Oversight

Financial oversight and non-judicial policy direction is provided by the STL Management Committee, which is responsible for approval of the STL's annual budget and any other necessary financial decisions and helps to ensure that adequate funds are available for STL operations. In 2020, the STL's Management Committee established an Advisory Committee on Audit and Finance, a body of independent experts responsible for examining the STL's approach to financial management, internal controls and risk management.

## Donor List

Australia  
Austria  
Belgium  
Canada  
Croatia  
Czech Republic  
Denmark  
European Union  
Finland

France  
Germany  
Hungary  
Ireland  
Italy  
Japan  
Kuwait  
Luxembourg  
Morocco

The Netherlands  
New Zealand  
Russian Federation  
Sweden  
North Macedonia  
Turkey  
United Kingdom  
United States  
Uruguay

*and other contributing States*

The STL extends its deep gratitude to the international community, for the financial, in-kind, logistical and diplomatic support, without which the STL would not be able to fulfil its mandate.

Throughout the reporting period, the STL continued to receive invaluable financial support and judicial cooperation from the Government of Lebanon. As Host State, the Netherlands provided ongoing cooperation and support in relation to the STL premises, its external security and the issuance of visas and residence permits, in addition to other matters.

Since 2009, the STL has received voluntary contributions and/or in-kind support from 29 donors.

# THANK YOU.

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MERCI.

# Staffing tables

## Geographical Representation of International Staff Recruited at the Professional Level and Higher and in the FS Categories as of 31 December 2020

State	Number of nationals	State	Number of nationals
Australia	10	Japan	1
Austria	1	Lebanon	25
Belgium	3	Malaysia	1
Bosnia and Herzegovina	3	Moldova	2
Brazil	1	Montenegro	1
Bulgaria	1	Nepal	1
Canada	12	The Netherlands	7
China	1	Palestinian territory	2
Cyprus	1	Romania	2
Egypt	2	Russian Federation	4
Estonia	1	Serbia	3
Fiji	1	Sierra Leone	1
Finland	1	South Africa	4
France	15	Spain	1
Germany	4	Sudan	1
Hungary	2	Sweden	3
India	1	Tunisia	2
Iran	1	Turkey	1
Iraq	1	Ukraine	1
Ireland	6	United Kingdom	21
Italy	8	United States of America	14
<b>Total Staff</b>		<b>175</b>	

## Geographical Representation of General Services Staff as of 31 December 2020:

State	Number of nationals	State	Number of nationals
Albania	1	Lebanon	33
Bosnia and Herzegovina	1	Nepal	1
Brazil	1	The Netherlands	39
Canada	2	Pakistan	2
Ecuador	1	Romania	1
Egypt	2	Serbia	3
Ethiopia	1	Sierra Leone	4
Finland	1	Slovak Republic	1
France	5	South Africa	1
Georgia	1	Tunisia	2
Iraq	1	Palestinian Territory	1
Ireland	5	Ukraine	1
Italy	2	United Kingdom	8
Kenya	1	United States of America	3
Latvia	1		
<b>Total Staff</b>		<b>127</b>	

## Gender statistics

At the end of December 2020, the STL employed 302 staff members. Fifty-one nationalities are represented at the STL. Fifty-eight staff members are Lebanese, representing 19.2% of the total. The gender distribution is 47.5% female and 52.3% male. At the top levels of management, the STL has an equal distribution of males and females amongst its four Principals. One third of the STL judges are women, and the remaining two thirds are men.

# 2021 Budget Strategy

The STL 2021 Budget proposal was structured to ensure the minimum resources required to execute the strategies in the first year of the Strategic Plan 2021-2022, and following the active engagement of the Management Committee.

Key to the 2021 Budget is a significant reduction in expenditure, while maintaining the quality of work needed to facilitate the timely completion of the STL's existing judicial caseload.

Collectively, through intense scrutiny and deep commitment, the four Organs managed to achieve an overall budget reduction of 37% – a figure reflecting and aligned with the income projections provisionally approved by the MC.

This level of reduction is unprecedented not only for the STL but also for any other international court. It shows an unequivocal and firm commitment by the STL and its leadership to optimise work processes and meet the demands of funding partners.

In line with the Strategic Plan, the STL made every effort to accommodate this deep budget cut by focusing their priorities on only the most essential matters, with the overarching aims of aligning expenditure to anticipated income, and the targeted completion of existing judicial work within the 2021-2022 biennium.

Updates on key developments were provided to staff through virtual Town Hall meetings, and information transmitted as a result of the collective efforts of the Principals to address staff's concerns and manage the morale, motivation and expectations of continuing and outgoing staff. The review of operational requirements across all four Organs led to the abolishment of numerous posts and a reduction in the number of staff through a restructuring process effective from January 2021. The exercise was implemented in accordance with formal guidance to managers incorporated, notably, in a new "Registrar's Bulletin" adopted in September 2020 in an effort to promote fair and transparent processes. In doing so, the STL further aimed at minimizing the STL's possible exposure to administrative appeals.

A reduced resource capacity has been offset by various initiatives to apply lessons learned, improve resource management and streamline existing processes. For example, the STL comprehensively reviewed existing structures and procedures, in an effort to identify economies and other cost-cutting.

As a result, in 2021:

- Teams, sections and divisions across all four Organs have been restructured; and
- A total of 170 posts were abolished, 64 posts were reduced to part-time, 18 new posts were created, and 23 posts were subject to reclassification.

The 2021 budget preparation process was therefore a comprehensive restructuring of the organisation and of its priorities.

# About the STL

The Special Tribunal for Lebanon is a tribunal of international character. The STL was established following a request by the government of Lebanon to the United Nations, with the agreement between Lebanon and the UN (though never ratified) brought into force through UN Security Council Resolution 1757. The STL was inaugurated on 1 March 2009 and has four organs:

<p><b>Chambers</b></p> <p>Chambers has three distinct sections: a Pre-Trial Judge, the Trial Chambers and an Appeals Chamber. The President of the STL, Judge <b>Ivana Hrdličková</b>, is the Presiding Judge of the Appeals Chamber and also represents the entire Tribunal.</p>	<p><b>The Office of the Prosecutor</b></p> <p>The Office of the Prosecutor investigates and prosecutes those responsible for the 14 February 2005 attack, as well as the Connected Case and any other attacks within the Tribunal’s jurisdiction. The Prosecutor is <b>Norman Farrell</b>.</p>
<p><b>Defence Office</b></p> <p>The Defence Office protects and promotes the rights of the suspects and accused. It does not represent the accused but rather ensures that the representation of the suspect or accused by counsel is effective. The Head of Defence Office is <b>Dorothee Le Fraper du Hellen</b>.</p>	<p><b>Registry</b></p> <p>The Registry is responsible for the good administration and servicing of the Tribunal, making it in effect the engine room for many external and internal functions. The Acting Registrar is David Tolbert. The Registrar is <b>Daryl Mundis</b>.</p>

The STL is the first tribunal of its kind to deal with terrorism as a distinct crime and was the first to define terrorism as an international crime. Victims may actively participate in the proceedings through Legal Representatives of Victims, and it permits trials *in absentia* in line with Lebanese law.

# Directory

The STL is composed of both Lebanese and international judges and staff. Its four independent Organs are headed by the STL's four Principals — the President, the Prosecutor, the Head of Defence Office and the Registrar.

## Chambers

### Appeals Chamber

<b>Ivana Hrdličková</b> (President)	Czech Republic
<b>Ralph Riachy</b> (Vice President)	Lebanon
<b>David Baragwanath</b>	New Zealand
<b>Afif Chamseddine</b>	Lebanon
<b>Daniel David Ntanda Nsereko</b>	Uganda

### Trial Chamber I

<b>David Re</b> (Presiding)	Australia
<b>Janet Nosworthy</b>	Jamaica
<b>Micheline Braidy</b>	Lebanon
<b>Nicola Lettieri</b> (Alternate)	Italy
<b>Walid Akoum</b> (Alternate)	Lebanon

### Trial Chamber II

<b>Nicola Lettieri</b> (Presiding)	Italy
<b>Walid Akoum</b>	Lebanon
<b>Anna Bednarek</b>	Poland

### Pre-Trial Judge

<b>Daniel Fransen</b>	Belgium
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## Office of the Prosecutor

### Prosecutor

<b>Norman Farrell</b>	Canada
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### Deputy Prosecutor

<b>Jocelyn F. Tabet</b>	Lebanon
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## Defence Office

### Head of Defence Office

<b>Dorothee Le Fraper du Hellen</b>	France
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### Deputy Head of Defence Office

<b>Héleyn Ufiac</b>	France
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## Registry

### Acting Registrar

<b>David Tolbert</b>	USA
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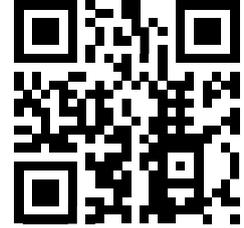
### Registrar

<b>Daryl Mundis</b>	USA
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# Further information



## Visit the website



## Press

The STL frequently answers questions from the press, grants media interviews and issues press releases on news worthy developments. Contact the STL's [Spokesperson](#) for media-related queries:

Wajed Ramadan

Tel: +96 17 111 3101

+31 62 950 1751

+31 70 800 3733

E-mail: [ramadanw@un.org](mailto:ramadanw@un.org)

## Public Affairs Unit

Tel: +31 70 800 3560

+31 70 800 3877

Email: [stl-pressoffice@un.org](mailto:stl-pressoffice@un.org)

## Postal Address

Special Tribunal for Lebanon

PO Box 115  
2260 AC Leidschendam,  
The Netherlands

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