

SPECIAL TRIBUNAL FOR LEBANON

SIXTH ANNUAL REPORT (2014-2015)

Dear Prime Minister Salam,

Dear Secretary-General Ban Ki-moon,

It is my privilege to submit the Sixth Annual Report of the Special Tribunal for Lebanon, as required by Article 10 (2) of the Tribunal's Statute. The report covers the period from 1 March 2014 to 28 February 2015, and outlines the Tribunal's progress and achievements during that time, as well as identifying the challenges we still face.

The report begins with Part I: Introduction, and Part II: A an account of the activities of Chambers. For each of these sections, as well as Part III: Conclusion, I am responsible. The Principals of the other organs – Registry, the Office of the Prosecutor and Defence Office – have contributed Parts II: B, II:C and II:D respectively.

The Tribunal has seen much judicial progress, notably in its first case, *Prosecutor v. Ayyash, Badreddine, Merhi, Oneissi and Sabra*, which concerns the 14 February 2005 attack. The adjournment required as a result of the joinder of a fifth accused, Mr Merhi, concluded on 18 June 2014. Since then the proceedings have advanced well. The Prosecution is continuing to present evidence at trial and at this stage it is expected that the Prosecution case will be complete by the end of 2015. At the same time, the Prosecutor is also continuing to assess other attacks which fall within the Tribunal's mandate and may be connected to the 14 February 2005 attack.

Throughout this period, Defence counsel, supported by the Defence Office, have been active in ensuring that the interests of the five Accused are protected. Similarly, the interests of victims are being advanced by experienced Legal Representatives of Victims and the procedures which have been established.

The Tribunal has also engaged in other important judicial work in relation to three incidents which could potentially be considered interference with the administration of justice. Two of these alleged cases of contempt will soon be heard by the Contempt Judge. A third remains under investigation. In other areas, the work of Chambers continues with the Judges adjudicating the matters before them.

As we enter our new mandate the Tribunal will have a new President. It has been my privilege to serve in that capacity for more than three years. On 1 March 2015 I shall pass the baton to my successor, Judge Ivana Hrdličková of the Czech Republic. I am confident that under her guidance the Tribunal will continue to carry out its mandate efficiently, expeditiously, fairly and with great vigour.

David Baragwanath
President

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During the reporting period from 1 March 2014 to 28 February 2015 the current trial before the Special Tribunal for Lebanon (“STL” or “Tribunal”) has been conducted against a sombre background of events in the region which have borne heavily on Lebanon. The current trial concerns the attack of 14 February 2005, which killed the former Prime Minister Rafik Hariri and 21 other people, as well as injuring 226 more, both in the Prime Minister’s convoy and beyond.

The jurisdiction of the Tribunal extends to attacks connected to the 14 February 2005 attack, which occurred between 1 October 2004 and 12 December 2005. Potentially, with the consent of Lebanon, the United Nations and the Security Council, this jurisdiction could extend to later connected attacks.

The Prosecutor reports that assessment of such attacks is continuing. To permit conclusion of the current trial and accommodate continuing investigation into other matters within the Tribunal’s jurisdiction, the Secretary-General of the United Nations has renewed its mandate for a third three-year term, until 28 February 2018.

The trial of allegations of criminal responsibility in respect of the attack of 14 February 2005 began on 16 January 2014 against four accused, all of whom are being tried in absentia. An order by the Trial Chamber granting a Prosecution application to join a fifth accused required an adjournment from 25 February 2014 until 18 June 2014 to allow time for counsel for the accused to be properly prepared. Since then the trial has proceeded apace. The Tribunal has been able to advance to the stage where, absent unforeseen circumstances, it is expected that the Prosecution case in the current trial will be completed by the end of 2015.

The accused are protected both by the specific rights recounted in Articles 16 of the STL Statute and by the requirement of Article 28 that the Tribunal’s Rules of Procedure and Evidence are both guided by the Lebanese Code of Criminal Procedure and reflect the highest standards of international criminal procedure. Their interests are further protected by Defence Counsel and teams of staff for each of the five accused, whose performance in court is on public display each day the Court sits. The Defence Counsel and their teams are aided in their duties by the Head of the Defence Office and his staff, who work diligently to ensure the teams of the Defence Counsel have adequate support.

The interests of victims are also considered and taken into account, both by procedures for their recognition as Victims Participating in the Proceedings and by the appointment of experienced counsel to represent those interests.

The burden placed on the Office of the Prosecutor, Defence Office, Registry and Chambers is immense and is summarised in the contributions of the respective Organs. While justice requires that trial hearings be held in public, most of the work of the Tribunal supporting the trial inevitably occurs beyond public gaze. Yet some idea of the size and complexity of the case can be gathered from the video of the opening statements of counsel on 16, 17, 20 January and 18 June 2014 (available at <http://www.stl-tsl.org/en/the-cases/about-the-trial>).

The Tribunal takes seriously any attempts to interfere with its administration of justice. During the reporting period the Tribunal has considered two cases of alleged contempt and obstruction of justice,

which concern the publication of the identities of individuals alleged to be confidential witnesses in the *Ayyash et al.* case. The contempt trials are to be heard later in the year.

Concurrent to the primary role of the Tribunal, to investigate, prosecute, defend and try those alleged to be responsible for the crimes over which it has jurisdiction, it also seeks to keep the people of Lebanon informed of the Tribunal's activities. This is most important, for the current proceedings are fundamentally Lebanese – as to location of the crimes alleged, the accused, victims, most witnesses and the substantive law applied. Although there are international as well as Lebanese judges, that the trials are heard in The Hague and that the procedures are predominantly international in no sense diminishes the essential Lebanese character of the proceedings.

Video-streaming of the trial has permitted the people of Lebanon to see the Tribunal in action. In addition to live streaming of the trial and publishing on the Tribunal's website of decisions and other relevant material, we constantly seek to expand outreach. For example, the Legal Representatives of Victims publish each month a report in Arabic and English of the daily proceedings. This report is sent to the victims whose interests they represent. More broadly, the Tribunal also organises visits to and from Lebanon to see or to receive members of various communities, among them media and legal. It supports the successful International Law course, run via video link from the Asser Institute in The Hague, and offered to students from the eight law schools in Lebanon.

We continue to strive to learn how we can better perform our role and further bolster the impressive efforts of Lebanon in the administration of justice. The sustained support the Tribunal receives, both financial and in other vital respects, from Lebanon and the international community has been, and remains, essential to fulfilling the Tribunal's mandate while meeting the fundamental twin obligations of fairness and, at all times subject to that, expedition. Above all, and as always, in carrying out its task the Tribunal draws immense inspiration from the determination of Lebanon to exercise its traditional role in the region as an exemplar of the rule of law.

PART II – MAIN ACTIVITIES OF THE TRIBUNAL

A. Chambers

1. Introduction

The past year has seen considerable judicial activity in Chambers, particularly in the Trial Chamber and in relation to contempt proceedings.

Near the end of the last reporting year the decision was taken to join the *Prosecutor v. Ayyash, Badreddine, Oneissi and Sabra* case and the *Prosecutor v. Merhi* case. The trial, which had been adjourned on 25 February 2014 to allow the *Merhi* Defence counsel adequate time to prepare, resumed on 18 June 2014.

Decisions and orders were issued on many incidental judicial matters, relating to potential instances of contempt of the Tribunal, other litigation and staff appeals.

The President, Judges and Chambers staff also played an active role in the Tribunal's external relations and outreach initiatives.

2. Judicial activities

In the past 12 months, the President, Trial Chamber, Appeals Chamber, Pre-Trial Judge, Contempt Judges and Appeals Panels have all been engaged in judicial activities. Between 1 March 2014 and 16 February 2015, they collectively issued more than 260 decisions and orders, totaling over 1,600 pages.

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

The trial of Salim Jamil Ayyash, Mustafa Amine Badreddine, Hassan Habib Merhi, Hussein Hassan Oneissi and Assad Hassan Sabra for their alleged respective roles in the 14 February 2005 attack in Beirut resumed on 18 June 2014. During the reporting period, written motions and decisions covered a wide array of matters, including the substance of the indictment, disclosure, pre-trial briefs, victims participating in the proceedings, witnesses, protective measures for victims and witnesses, exhibits, cooperation with the Lebanese authorities and the conduct of trial proceedings. Given the volume of decisions produced by Chambers in the reporting period (142 written decisions and oral orders), only some of the most noteworthy will be referred to in the following summary.

From the start of trial, the Trial Chamber has heard oral testimony from 47 witnesses (17 by video-link) and has admitted into evidence written statements of 56 others. It has admitted into the trial record 579 exhibits, totaling 27,582 of pages, and ruled admissible around 500 more. The Trial Chamber so far

ordered that all the witness evidence be heard in open session, so as to maximize publicity and public scrutiny.

Although the Trial Chamber was not hearing the case, the adjournment saw much activity, of which the following decisions are significant. On 17 April 2014, new warrants of arrest were issued by the Trial Chamber against the five Accused in respect of the consolidated indictment filed by the Prosecutor on 7 March 2014, replacing those issued separately by the Pre-Trial Judge in the *Ayyash et al.* and the *Merhi* cases. The Trial Chamber then ordered the *Merhi* Defence to file their pre-trial brief by 26 May 2014. In the meantime, on 12 May 2014, the Trial Chamber held a status conference to discuss the resumption of trial, Lebanon's cooperation with the Defence and other issues.

On 21 May 2014, the Appeals Chamber upheld the Trial Chamber's decision on the modalities of the joinder of the case of Mr Merhi with the case of the other four Accused. The next day, the 22nd, the Trial Chamber dismissed a motion by the *Merhi* Defence alleging defects in the form of the indictment, holding that the consolidated indictment of 7 March 2014 contains enough detail to clearly inform the Defence of the charges against them.

On 5 June 2014, the Appeals Chamber also upheld the Trial Chamber's decision to resume the trial proceedings on 18 June 2014. During the adjournment, the *Merhi* Defence had requested the trial's postponement until an expert had reviewed the Prosecution's evidence and prepared a report. The Appeals Chamber dismissed the appeal on this issue, and instructed the Trial Chamber to assess on a case-by-case basis whether the Counsel for Mr Merhi would be able to challenge the evidence of certain expert witnesses.

Thus, on 18 June 2014, the trial resumed in the joined case and the next day the *Merhi* Defence delivered its opening statement. Witness testimony recommenced on 24 June 2014. Several witnesses gave evidence regarding the collection and analysis of human remains and the identification of victims. Before the summer judicial recess the Trial Chamber also heard expert testimony about the measurement of the bomb crater. Other witnesses gave evidence concerning the identification of vehicle parts found near the crime scene and on the seabed.

After the summer judicial recess concluded in August 2014, representatives of Swiss, Dutch and Spanish forensic teams testified about the crime scene and the nature of the explosives used. The Trial Chamber also heard evidence from members of Mr Hariri's staff and members of the convoy on the day of the explosion.

Several Lebanese political figures appeared before the Trial Chamber to give background evidence on the prevailing political circumstances and their dealings with the former Prime Minister, Mr Rafik Hariri. The reason for hearing such testimony was articulated on 14 November 2014, when the Trial Chamber issued an oral decision ruling that it would hear the evidence of Lebanese Member of Parliament and former Minister, Mr Marwan Hamadeh. It held that political background evidence does not relate to the acts of the accused as charged in the consolidated indictment, but provides context to assist the Trial Chamber in understanding the material facts pleaded by the Prosecutor and is therefore relevant and admissible.

Subsequently, on 9 December 2014 the Trial Chamber also granted the Prosecution's motion to add to the Prosecution's witness list Mr Walid Jumblatt and Mr Ali Mohamed Hamade, whose expected evidence relates to the political background in Lebanon before the attack of 14 February 2005.

With regard to the participation of victims in the proceedings, several weeks earlier, on 18 November 2014, the Trial Chamber had issued an oral ruling setting the conditions under which participating victims may attend proceedings. It held that the Statute of the Tribunal provides that the views and concerns of victims are normally presented in court by their legal representatives, but that victims participating in the proceedings may also be allowed to be present in the courtroom, subject to physical and logistical considerations.

Contempt

Under Rule 60 *bis* of the Rules of Procedure and Evidence ("Rules") the Tribunal may hold criminally liable those who wilfully interfere with the Tribunal's administration of justice. To ensure impartial and objective procedures for the election of Contempt Judges and Appeals Panels, the President created a roster of judges, providing for a different Contempt Judge each month, and a comparable list of judges to serve on Appeals Panels.

On 31 January 2014, following an investigation by an *Amicus Curiae* investigator into three incidents which could potentially be considered interference with the administration of justice, Judge Baragwanath, as the rostered Contempt Judge, decided to issue orders in lieu of an indictment with respect to two events. In particular, he found there was *prima facie* evidence to support charges against two journalists and two media organizations with contempt and obstruction of justice. Given that he directed the commencement of the contempt proceedings, Judge Baragwanath disqualified himself from adjudicating the merits of the cases. However, he remained seized of the third event, the investigation of which is still ongoing.

On 18 March 2014, Judge Lettieri, the next rostered Contempt Judge, issued summonses to appear to the Accused in the two contempt cases: Ms Karma Mohamed Tahsin Al Khayat from *Al Jadeed* TV and the station's parent company, *New TV* S.A.L.; and Mr Ibrahim Mohamed Ali Al Amin from the *Al Akhbar* newspaper and the newspaper's parent company, *Akhbar Beirut* S.A.L.

On 24 April 2014, Judge Lettieri, the Contempt Judge, made public the decision of 31 January 2014 issued by Judge Baragwanath to charge two journalists and two media organizations with contempt. Ms. Karma Mohamed Tahsin Al Khayat, from *Al Jadeed* TV, and the station's parent company, *New TV* S.A.L., were summoned to appear before the STL on two counts of contempt and obstruction of justice. Mr Ibrahim Mohamed Ali Al Amin, from *Al Akhbar* newspaper, and the newspaper's parent company, *Akhbar Beirut* S.A.L., were summoned on one count of contempt and obstruction of justice.

Contempt: Ms Karma Mohamed Tahsin Al Khayat and *New TV* S.A.L.

On 13 May 2014, Ms Karma Mohamed Tahsin Al Khayat from *Al Jadeed* TV, as well as the station's parent company *New TV* S.A.L., made their initial appearance before Judge Lettieri on two counts of contempt, alleging obstruction of justice. On 16 May 2014, Judge Lettieri set time limits for the filing of preliminary motions and invited *Amicus Curiae* briefs on the issue of the Tribunal's jurisdiction.

The Defence filed their preliminary motion challenging the Tribunal's jurisdiction to try corporate persons for contempt on 16 June 2014. By that date the Tribunal had also received 19 *Amicus Curiae* briefs on the Tribunal's contempt jurisdiction from a number of individuals and institutions in Lebanon and elsewhere. The briefs related both to whether the Tribunal has contempt jurisdiction generally and, more narrowly, whether the Tribunal has contempt jurisdiction over legal persons.

Following a careful review of the submissions of the Defence and *Amicus Curiae* Prosecutor, as well as the arguments set out in the *Amicus Curiae* briefs, on 24 July 2014 Judge Lettieri delivered his decision on the Defence challenges to the Tribunal's jurisdiction over *New TV S.A.L.* Judge Lettieri ruled that the Tribunal does not have jurisdiction to hear cases of obstruction of justice against legal persons including corporate entities. He ordered that the charges against *New TV S.A.L.* be dismissed. However, in his decision, Judge Lettieri confirmed that, under Rule 60 *bis*, the Tribunal does have jurisdiction to hear cases for offences against the administration of justice against natural persons.

A week later, on 31 July 2014, the *Amicus Curiae* Prosecutor filed an interlocutory appeal against the Contempt Judge's decision as to whether the Tribunal, in exercising its inherent jurisdiction to hold contempt proceedings pursuant to Rule 60 *bis*, had the power to charge legal persons with contempt. Arguing that the Contempt Judge made a number of errors of law, the *Amicus Curiae* Prosecutor requested an Appeals Panel to reinstate the charges against *New TV S.A.L.*

In response, on 1 August 2014, the President designated an Appeals Panel of three judges in accordance with the existing roster of judges (Judge Nosworthy, Judge Akoum and Judge Hrdličková) to examine the appeal.

On 2 October 2014, the Appeals Panel, by majority, Judge Akoum dissenting, held that the term "person" in Rule 60 *bis* includes legal persons and therefore allowed the appeal by the *Amicus Curiae* Prosecutor. As a result, the original Order in Lieu of an Indictment of 31 January 2014 was reinstated, including *New TV S.A.L.* as an Accused in the case.

On 23 October 2014, the parties made submissions with respect to the date for the opening statements and commencement of the presentation of evidence. The *Amicus Curiae* Prosecutor stated that he was prepared to make his opening statement and begin presenting his evidence during the week of 24 November 2014. On the other hand, the Defence submitted that trial should not commence earlier than April 2015.

On 18 December 2014, the Contempt Judge set the date of trial. He ordered that the Parties make opening statements and that the *Amicus Curiae* Prosecutor present his case-in-chief from 16-17 April 2015 and from 20-22 April 2015, as needed; and that the Defence present its case, if any, from 12-15 May 2015.

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

At the initial appearance of the Accused Mr Ibrahim Mohamed Ali Al Amin and *Akhbar Beirut S.A.L.* on 29 May 2014, Mr Al Amin attended the first part of the hearing via video-link from Beirut, but then left before the hearing had concluded. Judge Lettieri then ordered the Head of Defence Office to assign counsel to represent the two Accused in the proceedings under Rule 59 (F) . In his written reasons provided on 5 June 2014, Judge Lettieri stated that despite his order, which was made to safeguard the

rights of the Accused, the Accused remained free to participate in the proceedings and to appoint counsel of their own choosing at any time.

Subsequently, on 18 June 2014, the Contempt Judge ordered the Accused to make submissions on (1) their intention to participate in the proceedings and, if so, (2) to state whether they would appoint counsel or represent themselves. One week later, on the 25th, the Accused filed a submission in which they raised a number of allegations with respect to the neutrality and impartiality of Judge Lettieri in hearing the case. On 30 June 2014, Judge Lettieri directed this request to the President. Treating the Accused's submission as a request for the disqualification and withdrawal of Judge Lettieri from the proceedings, the President designated a panel of three Judges to examine the Accused's request, composed of Judge Fransen, Judge Chamseddine and Judge Hrdličková ("First Panel").

However, on 11 July 2014, the Accused submitted two requests for disqualification and withdrawal - one concerning Judge Lettieri as Contempt Judge, and the other against Judge Fransen as a Judge on the First Panel. The First Panel considered that it had no jurisdiction to hear and determine the request regarding the disqualification and withdrawal of Judge Fransen. Consequently, on 23 July 2014, it transmitted the request to the President pursuant to Rule 25 (D) of the Rules.

The President then issued an order on the Accused's request to disqualify Judge Fransen from the Panel on 30 July 2014. Acting in his administrative capacity, the President designated another panel of three Judges - Judge Chamseddine, Judge Nsereko and Judge Hrdličková - to review the request ("Second Panel"). On 12 August 2014, the Second Panel dismissed the request for the disqualification of Judge Fransen from the First Panel. Then on 5 September 2014, the First Panel dismissed the motion requesting the disqualification of Judge Lettieri as Contempt Judge.

Assigned Defence counsel filed a preliminary motion seeking the dismissal of all charges laid against *Akhbar Beirut* S.A.L. and Mr Ibrahim Mohamed Ali Al Amin on 18 August 2014.

On 6 November 2014, Judge Lettieri again concluded that the Tribunal has inherent jurisdiction over the alleged contempt, given that it is necessary to protect the administration of justice, but that such jurisdiction does not extend to legal persons. He ordered that the charges against *Akhbar Beirut* S.A.L. be dismissed and that the *Amicus Curiae* Prosecutor file a proposed amended Order in Lieu of an Indictment that removes all references to *Akhbar Beirut* S.A.L. as an Accused in the case.

The *Amicus Curiae* Prosecutor filed an Interlocutory Appeal on 13 November 2014 against Judge Lettieri's decision to dismiss the charges against the corporate person, *Akhbar Beirut* S.A.L. The *Amicus Curiae* Prosecutor requested that the Decision be reversed and the charges against *Akhbar Beirut* S.A.L. be reinstated.

The President then issued an order on 14 November 2014 designating a new Appeals Panel for this case, again according to the existing roster of judges, comprising Judge Chamseddine, Judge Nosworthy and Judge Hrdličková. (Since the two contempt cases are separate proceedings, each has its own Appeals Panel of Judges.)

The Appeals Panel issued its decision on the jurisdiction *ratione personae* of the Tribunal in contempt proceedings on 23 January 2015. It unanimously reversed Judge Lettieri's decision and ordered the

reinstatement of the Order in Lieu of an Indictment of 31 January 2014, which included *Akhabr Beirut* S.A.L. as a corporate accused.

On 6 February 2015, the Contempt Judge ordered that pre-trial briefs and other preliminary matters be completed by 8 April 2015. The trial in this case is expected to take place in the second half of 2015. In the meantime, the Contempt Judge will continue to oversee the progress of the pre-trial proceedings.

El Hajj

On 30 January 2015, the President assigned to the Pre-Trial Judge a confidential request from Mr Ali Salah-el-Din El Hajj, who requested access to certain evidentiary material allegedly in the possession of the Tribunal. The applicant was one of the four individuals held in detention in Lebanon in connection with the assassination of former Prime Minister Mr Rafik Hariri and released by an order from the Pre-Trial Judge when the Tribunal became seized of the case.

In the matter of El Sayed

Pursuant to the Pre-Trial Judge's decision of 8 October 2012, the Prosecution submitted to the Pre-Trial Judge, in April and in October 2014, a new assessment of the risks and threats for a number of individuals whose statements Mr El Sayed had requested be disclosed.

3. Staff Appeals

The Tribunal's Judges adjudicated a number of staff appeals during the reporting period. These appeals related to certain administrative and disciplinary decisions of the Registrar. Staff appeal judgments are now available to the Tribunal's staff members (with redactions, as appropriate, to protect the privacy of affected individuals) on the Tribunal's internal website. The aim of publicising staff appeal decisions was to enhance transparency and to promote understanding of the legal principles grounding decisions.

4. Regulatory activities

The President and other Judges reviewed and, where necessary, amended the Tribunal's Rules and ancillary legal texts to improve the efficiency and effectiveness of judicial activities.

(i) Rules of Procedure and Evidence

On 27 February 2015, a number of amendments to the Rules came into effect, after having been approved by the Judges at a plenary meeting on 12 February 2015. The amendments were designed to improve and streamline the Tribunal's procedures. The amendments related to the excusal and disqualification of Judges and harmonizing the Rules and the Tribunal's Host State Agreement.

(ii) Practice Directions, internal guidelines and codes

Upon the request of the Head of Defence Office, on 20 February 2015 the Judges approved an amendment to Article 9 of the Directive on the Appointment and Assignment of Defence Counsel.

5. External relations, outreach and other functions

(i) General

Throughout the year, the President held regular meetings with the Registrar, Prosecutor and Head of Defence Office under Rule 38 (B) to ensure the coordination of the activities of the organs of the Tribunal. With the help of the Vice-President, the President also pursued his administrative roles under Article 10 of the Statute.

(ii) External relations

Over the past year, the President frequently met members of the legal and diplomatic communities in Beirut, The Hague and other cities, as well as attending conferences and events relevant to the Tribunal's work.

The President and Registrar visited New York from 19-23 May 2014, meeting several members of the diplomatic community, the Management Committee and United Nations representatives.

From 23-27 June 2014 the President visited Lebanon where he met leading political, diplomatic and civil society figures. These included the Prime Minister, the Minister of Justice, the Prosecutor-General and the President of the Court of Cassation, as well as representatives of the Management Committee States, United Nations representatives and members of the Bar.

In addition to routine interaction with the United Nations ("UN"), the President, Judges, Principals and staff of the Tribunal have taken part in significant UN-related events during the last year. On 11 July 2014, the President participated in a round-table discussion convened by the UN Counter-Terrorism Committee Executive Directorate and the International Centre for Counter-Terrorism in The Hague. On 11 August 2014, the President, Prosecutor, Head of Defence Office and Registrar met in The Hague with members of the UN Security Council and representatives of several international tribunals.

On 15 and 16 September 2014, Chambers staff participated in the Inter-Tribunal Developed Practices workshop at the International Criminal Court. The workshop served as a forum to exchange expertise and lessons learned for representatives of the Chambers of the International Criminal Court, International Criminal Tribunal for the Former Yugoslavia, International Criminal Tribunal for Rwanda, Mechanism for International Criminal Tribunals, Special Tribunal for Lebanon and Extraordinary Chambers in the Courts of Cambodia.

(iii) Outreach activities

While visiting Beirut in June 2014 for official meetings, the President and Vice-President were also engaged in outreach activities aimed at broadening the understanding of the Tribunal's mandate.

In November 2014, the President gave the concluding lecture of the Inter-University Programme on International Criminal Law and Procedure. This programme is a joint initiative of the Tribunal, the Asser Institute in The Hague and eight Lebanese Universities. In The Hague, the Judges met with Lebanese University Deans and Professors, as well as successful students of the Inter-University Programme.

In December 2014, the President attended the annual opening ceremony of the Paris Bar. From 10-13 December 2014, the President also attended several conferences and seminars in Paris hosted by the Paris Bar Association to mark the occasion.

Throughout the reporting period, the Judges and Chambers staff gave numerous presentations on the Tribunal's mandate and activities to lawyers, students and other groups visiting the Tribunal.

The Judges and Chambers staff also prepared a fully-indexed summary of the Tribunal's most important decisions of 2013. The 2013 Casebook will soon be available online and in print, in the Tribunal's three official languages. The 2013 Casebook was preceded by Casebooks for 2009-2010, 2011 and 2012, which are available on the Tribunal's website.

6. Management of resources

The demands upon Judges and Chambers staff increased significantly during the reporting period. The regular presentation of evidence in the *Ayyash et al.* case necessitated redeployment of staff within Chambers to meet the increased workload. It was evident that a more permanent solution would be needed and additional resources were included in the most recent budget so that the trial could proceed as expeditiously as possible and avoid greater costs.

It is worth noting that the Judges are assisted by small teams of legal officers and support staff when compared to other similar courts and tribunals.

7. The Way Forward

In the next reporting period, the President and other Judges plan to:

- (i) advance trial proceedings against the five Accused in *Ayyash et al.*, whilst carefully balancing considerations of expedition and the rights of the Accused;
- (ii) fairly and swiftly dispose of judicial activities which are subsidiary to the Tribunal's core mandate (*e.g.*, contempt proceedings and staff appeals);
- (iii) expand Chambers' role in outreach initiatives, in order to promote deeper understanding of the Tribunal's work in Lebanon and beyond;

- (iv) maintain and strengthen relationships with the Tribunal's legal, political, academic and civil interlocutors in Lebanon;
- (v) engage with States to ensure continued financial and political support for the Tribunal's work;
- (vi) encourage the wider availability of the Tribunal's jurisprudence in all three official languages by various means, including the publication of annual casebooks;
and
- (vii) contribute to developing the aims of the Tribunal's legacy in international law and the means to make it a reality after the work of the Tribunal has concluded.

B. Registry¹

1. Introduction

According to Article 12 (1) of the Statute, the Registry, under the direction of the Registrar, is responsible for the necessary administration and servicing of the Tribunal. The Registry is mandated to provide support to the Chambers, the Office of the Prosecutor (“OTP”) and the Defence Office in order to facilitate their functioning and to ensure that the Tribunal is in a position to expeditiously carry out its mandate in the most cost-efficient manner.

Over the past 12 months, the Registrar focused on ensuring that all sections under his responsibility remained prepared for the next steps in the Tribunal’s trial proceedings, including the joinder of the *Ayyash et al.* and *Merhi* cases that took place on 25 February 2014. The Registry continued to assist the Chambers, the OTP, the Defence Office, as well as the Legal Representatives of Victims in areas including court management, translation and interpretation, information technology and security, press, information and outreach, and any other needs in relation to the ongoing judicial proceedings. The Registry also supported the on-going contempt cases currently before the Contempt Judge, and the *Amicus Curiae* Prosecutor. Finally, the Registrar ensured that fiscal restraint was exercised throughout the Tribunal in order to operate with utmost efficiency and with minimal costs. The Tribunal was able to continue its work thanks to the contributions of Lebanon, other donor States and the European Union.

2. Judicial support

(i) Court management

The Court Management Services Section (“CMSS”) supported the Chambers, the OTP and the Defence Office and other participants with the filing of submissions and orders in the *Ayyash et al.* case and the *Matter of El Sayed*. CMSS worked in close collaboration with the *Amicus Curiae* Prosecutor in addressing issues related to the two current contempt cases proceedings. CMSS was also responsible for the organization and smooth running of court hearings in all pending cases. CMSS continued drafting documents detailing internal procedures to be followed for the efficient administration of justice.

During the reporting period, CMSS processed 759 filings, corresponding to 15,321 pages of official court documents. Many of those filings were translated into all three official languages of the Tribunal. CMSS also implemented the processing and delivery of daily transcripts in each of the three languages for each court session.

¹ This section has been prepared by the Registrar.

CMSS provided support for the trial in the *Ayyash et al.* case and the contempt cases, providing a Court Officer and a Courtroom Clerk at each hearing. During the reporting period, the Court sat for a total of 82 sitting days. During the reporting period, 32 witnesses were called (nine witnesses appeared by videolink from the Beirut Office).

Since the inception of trial, there has been a total of 47 witnesses who have appeared, 17 witnesses testified by video link; two additional Court Officers in Beirut provided support for those witnesses from that office. There were additional witnesses whose information was presented under Rule 155 which included summaries of those statements read into record and displayed in court.

CMSS also provided support for two plenary meetings on 3 April 2014 and 12 February 2015, and for the contempt cases: three hearings in the contempt case against Ms Karma Mohamed Tahsin Al Khayat from *Al Jadeed* TV and the station's parent company, *New TV* S.A.L. (initial appearance, a hearing and a pre-trial conference) which included an appearance by the *Amicus Curiae* Prosecutor by VTC from Denver, Colorado in the United States and the Accused represented by counsel in Leidschendam; and three hearings in the contempt case against Mr Ibrahim Mohamed Ali Al Amin from the *Al Akhbar* newspaper and the newspaper's parent company, *Akhbar Beirut* S.A.L. (initial appearances and a pre-trial conference).

The role of the Senior Document Management Assistant ("SDMA") and the Translation Requests Control ("TRC") team is to control the conformity of all incoming requests and to search for existing translations which match or appear relevant to new translation requests, before forwarding these to the Language Services Section ("LSS"). The aim of this function is to avoid duplication of work for the LSS and thereby reduce processing times and costs. The TRC team processed 3,823 requests for a total of 42,281 pages submitted during the reporting period as well as the requests inherited from the workload exceeding CMSS and LSS capacity in 2013. This resulted in the cancellation of 4,444 pages, thus saving 889 translator working days or EUR 199, 980. A total of 9,119 pages were also identified as having been previously translated (partial duplication). The detection of these duplicates represents a savings of approximately 1,824 translator working days or EUR 246, 213.

In order to be in a position to ensure the necessary organizational and logistical support for court proceedings with minimal staff, CMSS continued to pursue a flexible combination of staff recruitment, cross-training of staff to cover multiple functions and outsourcing of courtroom support, such as court reporting.

(ii) *Language Services Section*

The Tribunal's Language Services Section ("LSS") operates at the seat of the Tribunal and at the Beirut Office. LSS provides language services to all organs in the Tribunal's three official languages (Arabic, French and English) and other languages as required.

During the reporting period, interpretation services were provided primarily in support of courtroom hearings, but also for ongoing investigations in the field, as well as outreach, press and training events. Over the last year, those services amounted to 1,124 interpreter working days. LSS also assisted with the transcription of audio recordings totaling approximately 6,979 audio-minutes and provided large scale language assistance in various forms.

Demand for translation considerably exceeded expectations over the reporting period. Translation amounting to 47,331 pages was delivered by LSS based on a translation prioritization scheme set by the Registrar.

Other activities that LSS undertook during the past year included: upgrading its automated translation management tool and expanding its use to facilitate the processing of on-site contracts and budget monitoring; developing repositories of terminology within its automated translation management assistance tool for use by language professionals; implementing a shared freelance interpreter availability monitoring tool between the Tribunal, the International Criminal Court and the International Criminal Tribunal for the former Yugoslavia, enabling the Interpretation Unit to conduct its recruitment of external interpreters in a more efficient manner; conducting a comprehensive programme of short training sessions for LSS staff in specific areas; the completion of large-scale testing, selecting and ensuring security clearance of external corporate language service providers of Arabic language skills; expanding the LSS roster of qualified, security-cleared freelance language professionals to 275, particularly in the area of interpretation; and cooperating with other international courts and organisations in the areas of interpretation, technology, training (including joint training ventures), staff loans (from the United Nations Office in New York) and policy development.

(iii) *Victims and Witnesses Unit*

The Victims and Witnesses Unit (“VWU”) supported the Tribunal’s proceedings by ensuring the secure and timely appearance of three victims and 32 witnesses during the reporting period, nine of whom testified via video-conference link. The Unit benefited from the support and cooperation of States that were approached to assist in this regard. The VWU maintained its operational capability to provide protection and emergency response services to victims, witnesses and others at risk because of their interaction with the Tribunal, and continued to seek the cooperation and support from States in this field. The fragile security situation in Lebanon and in the region, the demanding operational environment and the potential risks to victims and witnesses remained a key challenge, particularly with the onset of trial. The support from States to ensure effective and sustainable witness protection and support arrangements, in the form of relocation agreements and other types of operational assistance, remains of vital importance for the success of the Tribunal. In addition, the VWU maintained and further consolidated its analytical and risk assessment procedures enabling the Unit to independently review and assess requests for procedural protective measures introduced in the proceedings by the Prosecutor, the Defence or the Legal Representatives of Victims.

(iv) *Victims’ Participation Unit*

The Victims’ Participation Unit (“VPU”) continued supporting and monitoring the work of the Legal Representatives of Victims Participating in the Proceedings (“LRVs” and “VPPs” respectively) over the past year. The Unit also administered the Tribunal’s legal aid policy for victims and continued to respond to numerous requests on various legal aid matters from the LRVs.

Following the opening statements in the *Ayyash et al.* trial, the VPU received and processed six new applications for victims’ participation and transmitted them to the Pre-Trial Judge for determination. Five of these applications were authorized immediately and one is pending. The VPU is providing

assistance to the respective applicant in this regard. There are currently a total of 70 victims participating in the *Ayyash et al.* case.

In addition, the VPU led efforts to ensure that VPPs were supported by the Tribunal to attend parts of the trial proceedings. This involved substantial collaboration with other sections of the Registry, especially the VWU, in order to ensure that appropriate facilities and support would be available to meet the needs of visiting VPPs. Fifteen victims attended the proceedings in 2014, 14 of whom were financially assisted by the Tribunal.

Also, the VPU assisted the LRVs to establish a secure website where VPPs can find updated news, judicial documents and other tools of direct communication with their Legal Representatives.

In March 2014, with the support of the Public Information and Communications Section, the VPU organized a one-day seminar in Beirut entitled "Victims of Terrorism Seeking Justice". Four round table discussions were held, focusing on the crime of terrorism, victims of terrorist attacks, victims' rights in national and international courts, as well as the participation and legal support to victims in international tribunals. During the event, victims of terrorism in Lebanon and abroad also took the floor and shared their personal experiences.

Additionally, the VPU provided support to the Registrar in the adoption of the amended Legal Aid Policy for Victims' Participation, including conveying information about key changes to the LRV. The amended Policy came into effect on 1 October 2014.

In addition to its core responsibilities relating to the participation of victims in the proceedings, the VPU has assisted the Registrar in the administration of funds for use by the *Amicus Curiae* Prosecutor in relation to the ongoing contempt matters.

(v) *The Information Services Section*

The Information Services Section ("ISS") has implemented many enhancements during the reporting period to improve services, increase communication, and continue to benefit from synergies created from the re-alignment of the Information Technology, Information Security and Information Management Units. These synergies were highlighted in several areas, including in the creation of a Project Management Office to provide improved governance and execution of project work, and to provide a better holistic view of the different domains of Information Service provision.

Collaboration between the Information Security and Information Technology roles has increased with the Information Security Unit participating in the changing management process, and reviewing all major ISS initiatives.

The Legal Workflow System, which manages the information and processes of the Tribunal's judicial functions, is still the flagship system of the section. It is capable of handling the full life cycle of judicial documents, from evidentiary material to the final verdict. In the last year, the system has been enhanced with many new capabilities to help increase efficiency, such as a new Evidence Handling Module and new case management capabilities. For example, during the reporting period, the

Legal Workflow System processed 5,082 filings, contained 2,918 pieces of evidence, and stored 156,459 documents.

The Information Management Unit has continued to integrate systems across all organs of the Tribunal. This effort has included the definition of official records and their related retention periods, as well as that of the methodology for the filing of information to be retrieved later. In addition, the Unit continues its work to define the Tribunal's digital preservation plan and legacy strategy.

Coinciding with the start of the trial in the *Ayyash et al.* case, a new system for external broadcasting was put in place to allow any audience around the world to follow the court proceedings in the language of their choice (Arabic, English or French) from any device, including tablets and smart phones. The introduction of the advanced broadcasting services has greatly helped to establish the Tribunal's website as a trusted source for timely information about court proceedings.

The full potential of the multi-channel/multi-lingual video conferencing system used in proceedings has been put to use, enabling simultaneous remote connections from different locations.

A comprehensive Information Security vulnerability assessment has been conducted and further technical improvements have been implemented which will help the Tribunal to remain secure against emerging threats.

The Library handled a high demand from the staff members, including 1,673 walk-in visits, 2,284 items consulted or loaned, 2,269 research assistance requests and 8,992 intranet page visits.

The Library continued its participation in the UN System Electronic Information Acquisition Consortium, exchanged publications with the United Nations Interregional Crime and Justice Research Institute and received a donation of journals from Saint Joseph University in Beirut. During 2014, the Library produced two new bibliographies on subjects of interest to the Tribunal. The Library also coordinated the STL's effort to make its jurisprudence as widely available as possible, providing 2,931 STL public records and the associated metadata for its inclusion in the ICC Legal Tools database.

(vi) Security and Safety

The Tribunal's Security and Safety Section ("SSS") continued to support the functions of all Tribunal Organs and has facilitated safety and security for the effective and efficient conduct of their respective programmes. The SSS has provided and ensured the security, safety and well-being of the Court, Judges, other Principal Official's, staff members, facilities, assets and visitors.

For example, the SSS organised security induction meetings for new Tribunal staff in Beirut and in Leidschendam; supported many missions to the Tribunal's Beirut Office; and provided security support to court days (during the reporting period, 780 persons visited the public gallery over 82 court days) and outreach events.

The Chief of Security maintains a Security Management Framework that provides strategic direction for the governance of security. Its objective is to enable the effective and efficient conduct of the Tribunal's programmes and activities while ensuring the security, safety and well-being of staff and assets as a high priority.

The challenges during the reporting period were successfully met and objectives were achieved with cost efficiencies despite the on-going insecurity in Beirut. The SSS has set its sights on continuous improvement, including cost effective and efficient solutions to ensure the safety and security of personnel and premises, to better support the Tribunal's goals in 2015.

(vii) Public Information and Communications Section

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

Outreach and Legacy

Throughout the past year, the PICS continued to explain the work of the Tribunal within the broader context of international justice. This was achieved through events, training and an academic course. The target audiences of the Tribunal's outreach activities included the legal community, academics, students and non-governmental organizations ("NGOs").

The highlights included a joint seminar in Beirut by the Prosecutor and the Head of the Defence Office in March 2014, which was attended by approximately 200 lawyers, judges and representatives of civil society. In June, the Tribunal's President and Vice President met the President and Board of the Beirut Bar Association as well as the Association's newly established "Commission to follow the activities of the Special Tribunal for Lebanon". In addition, the highly successful Inter-University Programme on International Criminal Law and Procedure continued for a third and fourth academic year, which was organized by the Tribunal in cooperation with the Asser Institute in the Netherlands and eight universities in Lebanon.² The programme targets law students at Lebanese universities and is provided at no cost to them.

The PICS also extensively worked with Lebanese NGOs. Trial monitoring training was held thanks to the financial support of the Ministry of Foreign Affairs of the Kingdom of the Netherlands. In addition, in November 2014, training was organized for Lebanese lawyers on the Conduct of International Criminal Proceedings, in cooperation with the Human Rights Institute of the Beirut Bar Association and the Friedrich Ebert Stiftung. Given the interest in the contempt cases, briefings were provided to various audiences in Lebanon and, in cooperation with the Lebanese Center for International Studies, a conference entitled "Contempt of Court versus Freedom of Expression" was organized in October with the participation of a number of Lebanese and international experts and academics.

Public Affairs

The Tribunal's website remains the principal source of information about the Tribunal for the general public in Lebanon and further afield. In the reporting period it received nearly 300,000 visits with the

² These include American University of Science and Technology, Beirut Arab University, Notre Dame University, American University Beirut, Université La Sagesse, Université Libanaise, Université Saint-Esprit de Kaslik and Université Saint-Joseph.

highest number of visitors coming from The Netherlands and Lebanon. The video and audio streaming of the trial proceedings are also popular with most viewers coming from Lebanon.

Social media also remains a potent tool to communicate the Tribunal's work. The Tribunal's Twitter feed now has more than 18,700 followers, 49% of whom come from Lebanon. The Tribunal also has active Facebook, YouTube, Flickr, and Scribd accounts.

The PICS continued to update and disseminate the Tribunal's printed publications in Arabic, English and French. The section also produced the Judicial Brief and a monthly bulletin until the summer judicial recess, which were subsequently combined into a single publication, the "STL Bulletin", that is published 10 times a year.

Finally, PICS organized some 55 group visits to the seat of the Tribunal in the Netherlands where visitors received briefings from representatives of the four organs. Groups included academics, students, professional bodies, as well as government and international organisations from 18 countries, including from the Middle East and North Africa region.

Press

The past year has been a busy one for the Press Office of the Tribunal continuing to be the subject of interest and debate particularly within Lebanon. As is common with court cases, public interest and coverage of the *Ayyash et al.* trial varied according to the different stages of the case. Journalists continue to visit the Tribunal to cover the *Ayyash et al.* trial and in January 2015 the PICS organized a working visit for more than 20 Lebanese journalists.

The Press Office answered approximately 500 questions during the reporting period. The vast majority of these came from Lebanon. This was in addition to hundreds of email exchanges with reporters and several visits by press office staff to Beirut. The spokesperson/acting spokesperson travelled to Beirut regularly (in April, July, August, and October) to explain the developments in the *Ayyash et al.* trial, as well as in the two contempt cases.

The contempt cases remain a challenge. On the one hand the Tribunal must maintain the restraint that is required of a judicial institution, while on the other it faces a sustained media campaign from some quarters against the charges and the court itself. Following the contempt charges, the PICS answered scores of questions from the media and the spokesperson conducted 22 interviews (many of them in Beirut). There was also a Twitter discussion session to talk directly to the Lebanese public about the charges, as well as press releases/media advisories and a question and answer session about the proceedings.

3. Immediate Office of the Registrar

(i) *External relations*

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

The Registrar travelled to Beirut in March 2014 to provide updates on the Tribunal's judicial proceedings and to express his gratitude to the Lebanese Government for its continued cooperation and assistance to the Tribunal. The Registrar undertook a follow up mission in August.

In February 2014, the Registrar travelled to New York together with the Prosecutor to provide an update on the Tribunal's work, including the start of trial and the next steps in the judicial proceedings. In May 2014, the Registrar travelled to New York with the President and to Washington DC for fundraising purposes and outreach activities. A follow up mission by the Registrar took place in September to New York and Ottawa, where he was joined by the Prosecutor. In October 2014, the Registrar travelled to New York to present to the Management Committee the Tribunal's 2015 budget. The Registrar was also on mission in New York in February 2015. In the course of these missions the Registrar held 75 meetings, including with members of the Management Committee, other States, United Nations Departments, the Group of Interested States and the European Union.

In The Hague, regular briefings were held with representatives of the diplomatic community, including a diplomatic briefing hosted by the Canadian Ambassador on 3 December. In addition, on 17 December, the Registrar travelled to Brussels to meet with officials of the European Union and to brief its Member States on the Tribunal.

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

(ii) *STL premises outside the Netherlands*

Beirut Office

Throughout the past year, 60 Tribunal staff members remained posted in Lebanon to cater for the volume and high pace of work in the Beirut Office. Regular missions to Lebanon by Leidschendam-based staff and the Principals of the Tribunal ensured that all four organs of the court were represented in the Beirut Office during the year.

The Office supported visits by Principals and staff from the Chambers, the Registry, the Office of the Prosecutor and the Defence Office, as well as the *Amicus Curiae* Prosecutor. In addition, the Registry in Beirut continued to provide the necessary administrative, logistical and security assistance to the work

of resident Prosecution and Registry staff. Finally, the Registry's own Beirut-based activities continued to expand in the areas of Outreach, Victims' Participation and the Victims and Witnesses Unit.

The Beirut Office also supported the Court Management Services Section and, during the *Ayyash et al.* trial, evidence was heard remotely from the Beirut Office. A second facility was established to expand the capacity for remote participation by video-link from the Beirut Office during the trial.

Throughout the reporting period, the external relations function of the Beirut Office remained a key element of the Registry's work in Beirut. The start of the *Ayyash et al.* trial and the proceedings related to the contempt cases triggered increased attention on the Tribunal in Lebanon, which in turn led to heightened external relations activity in addition to the numerous regular meetings and background briefings held with the diplomatic community, government officials and United Nations representatives.

New York Liaison Office

In New York, the Liaison Office supported the Management Committee in its consideration of the Tribunal's financial and administrative matters, including by providing background information and responding to the queries of the Management Committee's members. The Liaison Office also regularly updated the Committee's members about the progress of the Tribunal's judicial proceedings and other relevant developments. The Liaison Office continued to offer external relations advice to the Registrar and to coordinate fundraising and diplomatic efforts in New York. It also ensured that interested States, United Nations departments and NGOs were informed of the work and challenges of the Tribunal. Finally, the Liaison Office organized and supported visits of the representatives of the Registry, Office of the Prosecutor, Defence Office and the Chambers to New York, Washington DC and Ottawa throughout the year.

(iii) Inter-tribunal cooperation

During the reporting period, the Tribunal enjoyed continued cooperation with the international courts, tribunals, and organizations based in The Hague, including the International Criminal Court, the International Criminal Tribunal for the former Yugoslavia and the Organisation for the Prohibition of Chemical Weapons. The cooperation included the organization of joint training sessions by the Security and Safety, Language Services and Procurement Sections. Further, it included the collaborative organization of outreach events, the loaning of staff members on a reimbursable basis, the provision of technical support, assistance in language services and inter-library loans. Such mutual assistance contributed to internal cost efficiencies.

4. Administrative support

(i) Budget and funding

The approved Tribunal budget for the period 1 January–31 December 2014 amounted to EUR 59.891.848 million. The approved budget for 1 January–31 December 2015 amounts to EUR 59.874.665 million, a minor decrease compared to the 2014 budget. Consistent with past practices, the 2015 budget is based on parameters that have been formulated on the basis of intensive consultations between the Heads of Organs. While the 2015 Budget contains a number of activities which would have led to an increase in costs (such as additional hearing days and additional costs for legal aid and the contempt cases), these have been completely offset by other measures designed to reduce current costs or limit future cost increases. These measures focused on areas that would have the least detrimental effect on the Tribunal's current and anticipated judicial activities and related support operations.

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

The External Auditor of the Tribunal conducted the fifth audit of the Tribunal, which was certified on 30 June 2014. The Tribunal's internal audit and risk management programmes were fully operational in 2014. During the reporting period the internal auditors conducted five audits, covering a wide range of the Tribunal's activities and operations, as well as an implementation review of previous audit recommendations.

(ii) Recruitment of staff

By the end of the reporting period, 447 staff were employed by the Tribunal, 60 of whom are located in the Beirut Office. Over 63 nationalities are represented at the Tribunal. Sixty-four staff are of Lebanese nationality, representing 14% of the total. The staff's gender distribution is 46% female and 54% male.

In addition, 62 interns participated in the work of the Tribunal during the reporting period. Efforts continue to increase the interest of Lebanese students to apply to the internship programme. Of the 62 interns, 41 were unfunded.

During the year, the National Visiting Professionals programme continued successfully, with three Lebanese lawyers participating in the programme during the reporting period.

5. The Way Forward

In the coming year the Registrar's priorities will remain focused on ensuring that the Tribunal receives the financial support and cooperation required to fulfill its mandate. In particular, the Registrar will seek to:

- (i) ensure that the Registry sections responsible for providing support to the judicial proceedings continue to support trial activities;
- (ii) continue to provide support to the Chambers, Office of the Prosecutor, Defence Office, Victims Legal Representatives and *Amicus Curiae* Prosecutor;
- (iii) ensure that fiscal responsibility is exercised throughout the Tribunal and that the Tribunal's operations are undertaken with utmost efficiency and with minimal costs;
- (iv) implement the Tribunal's fundraising strategy;
- (v) continue to seek arrangements with States on the relocation of witnesses and the enforcement of sentences; and
- (vi) enhance press, outreach and legacy activities in Lebanon and elsewhere with a view to providing accurate and timely information about the next stages in the Tribunal's work.

C. Office of the Prosecutor³

1. Introduction

The period from March 2014 to February 2015 has been a busy and productive one for the Office of the Prosecutor (“OTP”).

The OTP moved ahead expeditiously with the presentation of its evidence-in-chief in the *Ayyash et al.* case, against the five individuals accused of criminal responsibility for the attack against former Lebanese Prime Minister Rafik Hariri. The Prosecution has essentially completed the presentation of the first part of its case, which concerns the forensic evidence on the cause of the explosion of 14 February 2005 and evidence related to the death and injury of the victims of this attack. For the first time, the Court has heard, in relation to the crime scene, the testimony of witnesses from Lebanon who have been affected directly by the attack; and expert witnesses coming from a number of different countries. The Prosecution has also embarked on the second part of its case, concerning the acts undertaken by the five Accused and their co-conspirators in 2004 and 2005 to prepare for the assassination of Mr Rafik Hariri. A third part will follow, on the respective roles of each of the Accused in preparing and perpetrating the attack and preparing the false claim of responsibility.

Following the Court’s decision to grant the Prosecution request for joinder of the case against Mr Merhi with the case against the four other Accused, the Prosecutor issued a consolidated indictment against the five Accused. The OTP took steps to accommodate the needs of the *Merhi* Defence counsel so that they had the time to prepare for trial.

Throughout this period, the OTP continued to demonstrate its commitment to ensure the effective use of the Prosecution’s time in presenting its case in court. It continued to take numerous steps to streamline the presentation of the evidence, thus reducing the time necessary for the case considerably and attempting to expedite matters. This included reducing the number of witnesses, and seeking to present evidence in written or documentary form. The Prosecution has ensured witnesses were available or evidence presented in written form on each of the 82 days on which the Court has scheduled hearings.

The OTP also continued to conduct a full-fledged investigation in respect of the three cases that have been found to be connected with the attack against Rafik Hariri and which have been deferred to the Tribunal. The evidence has been assessed to justify the continuation of these investigations into the next mandate.

In addition, the OTP continued to assess whether other targeted attacks that occurred in Lebanon may fall within the jurisdiction of the Tribunal.

³ This section has been prepared by the Prosecutor.

2. The trial of *Ayyash et al.* – presentation of the Prosecution evidence-in-chief

During the first part of the reporting period, the trial – which had commenced on 16 January 2014 - was adjourned to take account of the joinder of the *Merhi* case with the case against the other four Accused in the *Ayyash et al.* case. Throughout the adjournment of trial, ordered by the Trial Chamber on 25 February 2014, the Prosecution continued to work for a schedule that would allow for the resumption of trial at an early opportunity. The Prosecution adjusted the presentation of its case and its schedule for calling witnesses and indicated that it was ready to proceed as ordered by the Court.

Based on the Court's schedule, the Prosecution presented its opening statement *vis-à-vis* the Accused Merhi when trial resumed on 18 June 2014. The first part presented a summary of the evidence which related directly to the scene of the crime of 14 February 2005, as had been detailed in the original opening on 16 and 17 January 2014 and heard in the testimony to date. The second part provided an overview of what the Prosecution anticipated the evidence to be to demonstrate the Accused's conduct in the months leading up to 14 February 2005, and the evidence in support of his identity.

The Prosecution thereafter continued and essentially completed the presentation of the first part of its case – the forensic evidence on the cause of the explosion of 14 February 2005 and evidence related to the death and injury of the victims of this attack. This involved the presentation of evidence concerning the crime scene, the collection of artefacts by teams of forensics experts, the analysis of the mechanical items found, as well as the collection and analysis of biological exhibits which were to provide DNA profiles. The Prosecution also commenced the second part of its case, concerning the acts undertaken by the five Accused and their co-conspirators in 2004 and 2005 to prepare for the assassination of Rafik Hariri.

Throughout the presentation of its case, the Prosecution has taken a number of steps to streamline the presentation of the evidence, thus reducing the time necessary for the case considerably and attempting to expedite matters. In this regard, the OTP has sought to present evidence in written or documentary form, with the effect of reducing court time. The Prosecution has also sought consultation with Defence Counsel to obtain agreement on certain facts to avoid calling evidence that is not contentious, and when appropriate, Prosecution Counsel has met with Defence Counsel in advance of certain witnesses or evidence to facilitate preparation for those witnesses and to narrow the issues between the parties.

The OTP has also demonstrated its commitment to ensuring the effective use of the Prosecution's time in presenting its case. The Prosecution has had witnesses available, or presented written evidence on all of the court dates scheduled, despite difficulties of scheduling witnesses, most of whom come from Lebanon or other countries.

At the time of submitting the Annual Report, 47 witnesses have testified in person – either in the courtroom in The Netherlands or via video-link from Beirut.

In presenting evidence of the crime scene, a number of witnesses or victims who were directly affected by this attack have come forward. The Prosecutor has noted that one should not lose sight of their courage to come to The Netherlands or to appear via video-link and speak before an international court on matters which have surely been difficult and emotional. In addition, a number of national and

international forensics experts who attended the crime scene at the request of the United Nations International Independent Investigation Commission (“UNIIC”) have come to testify. In this respect, the OTP would like to recognize the States concerned both for providing this forensics assistance at the time and thank them for acceding to the Prosecution request that their experts testify before the Tribunal. At the Prosecution’s request, the Trial Chamber decided to allow into evidence the witness statements or expert reports of another 60 witnesses without the witnesses having to attend court to give oral testimony.

On 11 November 2014, the Prosecution started presenting evidence for the second part of its case, concerning the acts undertaken by the five Accused and their co-conspirators in 2004 and 2005 to prepare for the assassination of former Prime Minister Rafik Hariri. In the hearing, the Prosecution provided an overview of the evidence it expects to present over the coming months during this next part of the case. It sought to begin by presenting background evidence, which might help to understand the progress of the criminal conspiracy. After hearing oral submissions on the admissibility of this proposed evidence, the Trial Chamber allowed the Prosecution to call the anticipated witnesses to testify in relation to certain broad themes it had outlined relating to the political background in Lebanon before the assassination of former Prime Minister Rafik Hariri. In its reasoned decision, the Trial Chamber considered that the proposed evidence was relevant and probative, as it could provide background and give context to much of the other Prosecution evidence – as contended by the Prosecution – and maybe even evidence adduced by Defence counsel.

3. Other trial-related work

The proceedings in the courtroom represent only the most visible aspect of the OTP’s work. There is a significant amount of other work, much of it behind the scenes, that has resulted in the Prosecution’s ability to present its case. During the past year this has included, notably; filing a consolidated indictment against the five Accused, following the joinder of Mr Merhi to the proceedings involving the four other Accused; making adjustments to the presentation of its case, where possible, to accommodate the needs of the *Merhi* Defence Counsel so they would have time to prepare for trial; further streamlining the presentation of the evidence, thus reducing court time; and taking all necessary steps to ensure the effective use of the Prosecution’s time in presenting its case. Further details are provided below.

First, the Prosecution took several steps at the beginning of the reporting period to give effect to the Trial Chamber’s oral decision of 11 February 2014 granting the Prosecutor’s request for joinder of the *Merhi* case with the case against the other four Accused in the *Ayyash et al.* case. On 7 March 2014, the Prosecution filed a consolidated indictment in the joined case, together with its Witness and Exhibit Lists. In its decision of 4 April 2014 on the Prosecution motion, the Trial Chamber declared that the consolidated indictment would now be the operative indictment in the joined case. At the request of the Prosecution, the Trial Chamber also subsequently issued new arrest warrants against the five Accused in respect of the consolidated indictment. The OTP also dedicated significant resources to responding to numerous motions and a number of appeals brought by the *Merhi* Defence, including repeated challenges to the form of the indictment, and an appeal against the Trial Chamber’s decision on trial management and joinder.

Second, the OTP continued to take steps to streamline the presentation of the evidence, thus reducing the time necessary for the case considerably and attempting to expedite matters. In this regard, since the case was first submitted to the Court:

- The number of witnesses has been reduced - by approximately 90 witnesses.
- The exhibit list has been reduced by almost half – from 13,000 exhibits to approximately 7,000 exhibits.
- The OTP has sought to present evidence in written or documentary form, with the effect of reducing court time. In this regard, the Prosecution has requested the admission of written witness statements so the witnesses do not have to attend in court; and requested the admission of considerable evidence of probative value “from the bar table”, without requiring a witness to produce or identify it.
- The OTP has sought to work with Defence Counsel to obtain agreement on certain facts to avoid calling evidence that is not contentious. Counsel for the five Accused have agreed with the Prosecution on a number of facts, including that the 22 deaths and the injuries to the 226 others arising from the explosion on 14 February 2005 are not contested. The Trial Chamber has recorded this agreement between the parties; as a result, Prosecution witnesses no longer need to be called to give evidence on these facts.
- Further, when appropriate, Prosecution Counsel has met with Defence Counsel in advance of certain witnesses or evidence to facilitate preparation for those witnesses and to narrow the issues between the parties. Defence Counsel have been amenable to this approach.

Third, the OTP has ensured the effective use of the Prosecution’s time in presenting its case in court. The Prosecution has presented evidence or had witnesses available, on each of the 82 days that the Court has scheduled evidentiary hearings from the beginning of trial until 16 February 2015. It has met deadlines set and has been timely in its court presentation. This aspect of its work has entailed, *inter alia*, confirming the availability of witnesses; requesting permission for a number of witnesses to testify via video-link; and seeking protective measures for witnesses, if necessary.

Fourth, approximately 25 missions have been carried out in relation to trial proceedings and as part of the OTP’s ongoing investigations. In addition to missions from the Office in Leidschendam, a large number of interviews were conducted by OTP investigators based in the Beirut Office. This resulted in a more efficient use of resources and the undertaking of missions from Leidschendam only when absolutely necessary.

Fifth, seeking and securing cooperation by States has been, and remains, an important aspect of the OTP’s work. Much of the OTP’s trial work requires State support, for example, to interview witnesses or obtain forensics or technical expertise. In this regard, as indicated above, the OTP appreciates the support provided by States whose experts have testified at trial. The OTP also takes note of the cooperation provided by Lebanon and the good working relationship with the Lebanese Authorities. Continued support is necessary. Now that the trial is well underway, the OTP needs to maintain the necessary levels of support not only to be able to conduct and complete the trial, but also to continue with the investigations over which it has jurisdiction.

Sixth, the OTP continues to count on the support of witnesses and victims who have provided evidence in this case, many of whom have testified or will be testifying in court. Their testimony is crucial, their participation is at the heart of the proceedings and the OTP recognizes their efforts in coming forward to testify. With this in mind, the OTP has contacted witnesses in advance in order to address whether protective measures may be required at trial and, if so, has taken steps to ensure that these are in place.

Seventh, the Prosecution has continued to meet its ongoing disclosure obligations, providing new exhibits or witness statements as required, and continuing to disclose potentially exculpatory material. The Prosecution also responded during the reporting period to approximately 150 separate written requests by the Defence for the inspection of evidence within the OTP holdings.

4. Connected and related cases

The investigative work in relation to the three connected cases – Marwan Hamadeh, George Hawi and Elias El Murr – remains a priority for the OTP.

The OTP has continued to conduct a full-fledged investigation in respect of these three cases that have been found to be connected with the Hariri attack and which have been deferred to the Tribunal. This work is in addition to the considerable work involved in conducting the trial in the case against the five persons accused of criminal responsibility for the attack of 14 February 2005. The evidence has been assessed to justify the continuation of these investigations into the next mandate.

In summary, the investigations are in respect of the following three targeted attacks:

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

Another component of the OTP's work has concerned other cases that may fall within the jurisdiction of the Tribunal. The OTP is continuing to assess whether other targeted attacks that occurred in Lebanon, which remain within the jurisdiction of the Lebanese authorities, are connected with the 14 February 2005 attack in the manner required by the Tribunal's Statute. If such attacks appear to have the requisite connection to the Hariri attack, the OTP would seek to secure jurisdiction as required by the Statute.

5. Contempt

During this past year, the OTP also continued to provide support for the ongoing contempt proceedings initiated by the Contempt Judge in April 2013. Following the President's decision of 31 January 2014, in his capacity as Contempt Judge, to issue orders in lieu of an indictment for contempt with respect to certain publications, the OTP has continued to provide assistance and information to the court-appointed *Amicus Curiae* Prosecutor, as required.

6. *El Sayed matter*

In accordance with the Pre-Trial Judge's decision of 8 October 2012, the Prosecution submitted in April and October 2014 updated risk assessments for a number of individuals whose statements Mr Jamil El Sayed had requested be disclosed.

7. *The Way Forward*

In the coming year, the OTP will remain focused on presenting its evidence-in-chief efficiently and expeditiously in the *Ayyash et al.* case. The Prosecution is ready to proceed whenever the court schedules the hearing dates. As noted above, the OTP has embarked on the second part of its case; a third part will follow.

The total number of Prosecution witnesses remaining is approximately 300. However, it is important to note that the Prosecution intends to call only one-third of these witnesses to testify in person before the court. It will be seeking the court's permission to present the other witness evidence in written form, the result being a saving of court time. There also remain thousands of exhibits which the OTP intends to present. The Prosecution will continue to try, where possible, to reduce the case and to work with the Defence to expedite proceedings. However, given the volume and nature of the evidence, and the complexity of the case, the presentation of the Prosecution's case is expected to continue until late in 2015. The exact timeframe is difficult to predict and depends on various factors which are not yet clear. It should be noted that much of the time required, particularly in court, is not within the control of the OTP.

The investigative and legal work arising from trial will continue. The OTP will continue investigations necessary to support the Prosecution's case and to consider any evidence regarding others who may be responsible for the Hariri attack. It will also continue to provide assistance, as necessary, for contempt proceedings.

The OTP will also continue, and intensify, its investigation into the three connected cases under its jurisdiction. This work remains a priority for the OTP. The evidence has been assessed to justify the continuation of these investigations into the next mandate. If there is sufficient evidence, the Prosecutor will seek indictments from the Court and prosecute, if granted.

At the same time, the OTP will continue to assess the other attacks that have occurred to determine whether such cases are connected to the Hariri attack in the manner required by the Statute. To the extent possible and appropriate, the OTP will provide material generated by the UNIIC or the OTP to the Lebanese Authorities. This would relate, for example, to evidence or artefacts within the Prosecution's possession that may be relevant to the Lebanese judicial authorities. The Prosecutor has a plan to provide to the Lebanese Authorities any evidence or investigative analysis the OTP can so they can further pursue any investigation that they may be undertaking over which the Tribunal does not have jurisdiction.

During the reporting period, the Prosecutor continued with the restructuring of the OTP and the re-alignment of staff to create dedicated multi-disciplinary teams: one team focuses exclusively on the trial; the other, on the connected and potentially related cases. The Prosecutor has also effectively

prepared for changing circumstances within the OTP. In this regard, he has instituted detailed planning, a re-allocation of resources based on functions and needs, the identification of staff based on their skill sets and the matching of those skills to office needs. He has done so while reducing the OTP budget in 2014 and for 2015.

Effective management, resource allocation and identification of needs, have contributed – in addition to the hard work and extra effort by staff – to the ability to achieve the increased level of work due to the trial and the investigations underway. The OTP has maintained this high level of work despite the reduction in the budget, and the usual turnover of staff associated with ad hoc institutions.

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

With the trial well underway, there is one aspect of these proceedings that should not be forgotten: a trial *in absentia* is only the second best option in the circumstances. The Prosecutor would stress that one cannot lose sight of the need to arrest the Accused and the need to enhance all efforts to do so. The Prosecutor, for his part, will provide whatever assistance possible in the expected continuation by the Lebanese authorities to take all necessary measures to arrest and transfer the five Accused to the Special Tribunal for Lebanon.

D. Defence Office⁴

1. Introduction

The start of trial in the case of *The Prosecutor v. Ayyash et al.* in January 2014, and the joinder of that case to that of *The Prosecutor v. Merhi* in February 2014 were significant events for the Defence Office. Although the period from March 2014 to February 2015 marked the presentation of the Prosecution case, the Defence Office continued diligently to carry out its mandate by providing operational, logistical and financial support, as well as legal assistance, to Defence counsel.

The Defence Office ensured that each Defence team received adequate financial and human resources during the reporting period. In particular, the Defence Office supported the Defence team representing the interests of Mr Hassan Habib Merhi by allocating additional human resources and providing it with specific legal and logistical support so that it was able to prepare for trial within the time limits ordered by the Chamber.

The Defence Office also provided support to the Defence teams assigned in the contempt proceedings before the STL. This consisted primarily of logistical and administrative support for Defence counsel retained on a private basis in the case of *New TV S.A.L.*, operating as *Al Jadeed TV*, and Karma Mohamed Tahsin Al Khayat ("*New TV S.A.L. and Al Khayat*"). For Defence counsel assigned in the case of *Akhbar Beirut S.A.L.* and Ibrahim Mohamed Ali Al Amin ("*Akhbar Beirut S.A.L. and Al Amin*") the Defence Office provided legal as well as logistical and administrative support.

At the same time, in addition to this assistance being provided to all the Defence teams, regular Defence Office activities continued. Chief amongst these was maintaining relations with Lebanese stakeholders, such as government authorities, Bar Associations and universities, in addition to activities to raise awareness among various groups with the aim of promoting better cooperation in relation to the work of the Defence at the STL and the right to a fair trial.

The Defence Office, which has 11 staff, is comprised of the Legal Advisory Section, the Legal Aid Unit and the Operational Support Unit. The Head of Defence Office, Mr François Roux, supervises all the activities of those sections, assisted by the Deputy, Ms Héleyn Uñac, who has held that post since May 2014, having been acting Deputy since May 2012.

2. Involvement in judicial activities

Overall, the reporting period posed some significant challenges for the Defence Office and Defence counsel, in particular counsel for Mr Merhi, who had to prepare for and take part in the *Ayyash et al.* trial. Issues involving cooperation from the Lebanese authorities with the Defence and the disclosure of Prosecution evidence to the Defence were also the subject of numerous discussions before the Trial Chamber, following requests from the Defence.

⁴ This section has been prepared by the Head of Defence Office.

The activities of the Defence Office, both in the context of the proceedings in the case of *Ayyash et al.* and in the contempt proceedings (*New TV S.A.L. and Al Khayat* on the one hand, and *Akhbar Beirut S.A.L. and Al Amin* on the other) can be summarised as follows:

Assigning and nominating counsel and persons assisting counsel

Ayyash et al.

No new counsel have been assigned during the period under review. At present, each Defence team has one lead counsel and two co-counsel.

New TV S.A.L. and Karma Mohamed Tahsin Al Khayat

On 9 May 2014, after the issuance of orders in lieu of an indictment against two Lebanese journalists and two media outlets in the contempt proceedings before the STL, the Head of Defence Office appointed Mr Karim Khan QC, who had been retained privately by the accused, to represent *New TV S.A.L.* and Ms Al Khayat.

On 12 May 2014, Ms Maya Habli and Ms Shyamala Alagenda were appointed by the Head of Defence Office as co-counsel. On 6 June 2014, Mr Rodney Dixon QC was also appointed as co-counsel by the Head of Defence Office. On 27 January 2015, the Head of Defence Office withdrew the appointment of Ms Maya Habli as co-counsel upon her request pursuant to Article 34 A) of the Directive on the appointment and assignment of Defence counsel.

Although Defence counsel appointed in this case do not have legal aid, they have access to facilities within the Tribunal, as do the other Defence teams, as well as receiving logistical support from the Defence Office.

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

On 30 June 2014, following an order by the Contempt Judge, the Head of Defence Office assigned Dr Antonios Abou Kasm of the Beirut Bar to defend the interests of the accused, who had expressed the intention of representing themselves. He works within the legal aid programme of the Defence Office, which also provides that team with logistical and operational support. A highly-qualified legal officer and a case manager have also been recruited to assist Dr Abou Kasm in his role as lead counsel.

Legal Aid Unit

All counsel in the case of *Ayyash et al.* are assisted by a team, typically composed of a legal officer, a case manager and an analyst. Depending on their specific requirements, lead counsel have also recruited support staff, such as evidence review assistants, legal officers and a local resource persons. The Defence teams have also called on the services of expert consultants to assist in the analysis of the Prosecution case.

Decisions to assign persons assisting counsel are made by the Head of Defence Office and implemented by the Legal Aid Unit. During the reporting period, the Legal Aid Unit responded to approximately 600 requests from counsel, including requests for travel on mission, assignment of staff or experts, as well

as requests for payment of legal fees and travel expenses. Each request involves a decision-making process prescribed by the Legal Aid Policy. The interests of the accused are weighed against the constraints of the available budget to determine whether the request is reasonable and necessary for the preparation and presentation of the Defence case.

Operational Support Unit

The Operational Support Unit dealt with twenty-six official requests for assistance addressed to the Lebanese authorities from the Defence teams. Defence counsel also undertook a number of missions away from the seat of the Tribunal.

The assignment of a Defence team to represent Mr Merhi and the two teams in the *New TV S.A.L. and Al Khayat* and *Akhbar Beirut S.A.L. and Al Amin* contempt proceedings entailed a significant increase in workload in order to help the teams become operational as quickly as possible. It included in particular the assignment of support staff, assistance in organising investigative missions to Lebanon and elsewhere, the allocation of offices and computers, access to the Legal Workflow system and the acquisition of software.

Legal Advisory Section

The Legal Advisory Section (“LAS” or “Section”) closely monitored the proceedings by analysing all the documents (requests and decisions) filed before the Chamber from a legal perspective. In addition, members of the section attended all the hearings in both the case of *Ayyash et al.* and in the contempt proceedings in order to identify any legal questions that might affect the rights of the Defence and also to be able to respond appropriately to requests from Defence counsel or from the Head of Defence Office.

The LAS responded to numerous formal applications for legal advice from the Defence teams (in the form of advisory opinions, memoranda and draft requests or appellate briefs) regarding aspects of international law, Lebanese law and comparative law. Likewise, LAS staff members regularly provided advice to the teams on a less formal basis. LAS also organised specific legal training sessions for the *Merhi* Defence team so that they could quickly acquire knowledge of the law and procedures applicable before the Tribunal to a level comparable to that of the other teams.

In addition, the LAS supported the newly-assigned Defence teams in the contempt proceedings, in particular, by providing them with information regarding the applicable law at the Tribunal and the relevant case law.

The LAS also produced a collection of case law relating to decisions rendered by the Pre-Trial Judge, the Trial Chamber and the Appeals Chamber in the case of *Ayyash et al.*, as well as decisions rendered in the contempt proceedings. This was primarily intended to facilitate the work of drafting requests and other documents filed by the Defence.

The Section also provided the Head of Defence Office with a significant number of internal legal opinions concerning specific aspects of the ongoing proceedings and the implementation of provisions relating to the mandate of the Defence Office and the Tribunal. The Section likewise assisted the Head and the Deputy Head of Defence Office in preparing oral and written submissions before the Judges

and Chambers of the STL, and in drafting speeches and preparing interventions for awareness-raising events.

Submissions filed

In the *Merhi* case, the Head of Defence Office, pursuant to the provisions of Rule 57 (F) of the Rules, filed submissions relating to the protection of the rights of the accused and the need for the pre-trial phase to be conducted before the Pre-Trial Judge. The Head of Defence Office also sought certification to appeal the decision on the joinder of the *Merhi* and *Ayyash et al.* cases, in that it contained submissions relating to the mandate of the Defence Office.

The Defence Office also filed submissions relating to the cooperation of Lebanon in the case of *Ayyash et al.*, noting in particular that it was not necessary to amend the Memorandum of Understanding between the Government of the Lebanese Republic and the Defence Office on the Modalities of their Cooperation of July 2010, as it was fully satisfactory to the signatory parties, as pointed out by the Minister of Justice.

Lastly, further to an Order from the Contempt Judge inviting him to assign counsel in the contempt proceedings against *Akhbar Beirut S.A.L. and Mr Al Amin*, the Head of Defence Office filed a number of submissions in response to concerns expressed by the Contempt Judge. In the Contempt Judge's decision of 30 June 2014, after having noted that he had suspended his previous decision calling on the Head of Defence Office to assign counsel until the Accused would have replied to his request for clarification, the Contempt Judge called on the Head of Defence Office to proceed with the assignment of counsel to represent the Accused.

Cooperation

The Defence Office established contact with the embassies of various States, as well as the United Nations, with a view to seeking their cooperation and assistance in responding to specific requests from the Defence.

The Head of Defence Office also met senior Lebanese officials on several occasions during his visits to Lebanon, including the Lebanese Prime Minister and the Minister of Justice, as part of the efforts to achieve closer cooperation with the Defence teams.

3. Regulatory framework

The Defence Office was involved in the work of the Rules Committee, proposing that the Arabic version of Rule 59 (F) of the Rules of Procedure and Evidence be brought into line with the English and French versions of that provision, and commenting on the proposals from other organs. It also took part in the Rules Committee meeting in December 2014 and the Plenary Session of the Judges in February 2015.

The Defence Office also submitted to the judges, meeting in plenary, an amendment to Article 9 of the Directive on Appointment and Assignment of Defence Counsel, concerning the selection panel responsible for the admission of counsel to the list referred to in Rule 59 of the Rules.

4. List and training of counsel

During the reporting period, 10 new applications were received and the panel held eight interviews in December 2014. As a result, seven counsel were admitted to the list of counsel, of which four were admitted as lead counsel and three as co-counsel. During the last 12 months, two counsel requested to be withdrawn from the list. At the end of the reporting period, the list contained 159 counsel. They practice in 79 different national jurisdictions.

In September 2014, the Defence Office organised a training session for Defence counsel and for those assisting them in the case of *Ayyash et al.* This training contained a legal element (notably a review of recent case law from the international criminal tribunals); a technical element (lectures on presenting evidence electronically during the trial, as well as simultaneous interpretation in court); and an operational element (meetings with the Victims' Participation Unit and the Security Section). It also included a discussion session with counsel and Defence Office staff to identify the future challenges and requirements for the Defence teams. That training programme closed with a session on cross-examinations.

In December 2014, at the request of the Head of Defence Office, a lawyer from the Quebec Bar, who had been recruited on a consultancy basis, met counsel for the Defence in the case of *Ayyash et al.* and their teams. This was in order, first, to examine with them any difficulties counsel had encountered during the trial and the support they considered necessary; and, second, to bring to the attention of the Head of Defence Office, if applicable, any serious concerns relating to the effective conduct of the representation of the Accused.

5. Press, public affairs and outreach activities

In the reporting period, the Defence Office organised three missions to Lebanon, in March, June and October 2014. The primary objective of the first mission was to take part in a conference instigated by the Vice-President of the Tribunal and organised by the Beirut Bar, with the Prosecutor of the STL in attendance.

The purpose of the second mission was to meet the accused in the contempt case of *Akhbar Beirut S.A.L. and Mr Ibrahim Al Amin*, as well as the Chairman of the Beirut Bar. During the third mission, the Head and Deputy Head of the Defence Office met numerous stakeholders, including the Prime Minister, the Ministers of Justice and Information, the Chairs of the Beirut and Tripoli Bars, the Dean of the Lebanese University and other figures, such as the Director of General Security and Mr Walid Jumblatt.

The Head of Defence Office and his deputy also took part in a number of conferences, including a conference held at the Maison de l'Avocat in Beirut, at the invitation of the Bar Commission responsible for international criminal justice, which is following the judicial activities of the STL; a conference held in Batroun in association with the Tripoli Bar; and a conference with the Lions Clubs of Beirut.

The objectives of these missions were two-fold: to encourage the Lebanese Government to assist the Defence in its investigations and to sustain continued efforts to communicate information about the mandate of the Defence Office and the rights of the Accused.

In March 2014, the Head of Defence Office, accompanied by his Chef de Cabinet, travelled to New York to meet members of the Management Committee, the Permanent Representative of Lebanon to the United Nations, as well as the United Nations Under-Secretary-General for Legal Affairs, Mr Miguel de Serpa Soares, and the United Nations Under-Secretary-General for Political Affairs, Mr Jeffrey Feltman. On 27 May 2014, the Head of Defence Office met the Secretary-General of the United Nations, Mr Ban Ki-moon, which marked a significant step in the recognition of the work of the Defence and the challenges it faces before international criminal jurisdictions.

In August 2014, together with the other Heads of Organs of the Tribunal, the Head of Defence Office met members of the United Nations Security Council who were visiting The Hague.

In October 2014, the Head of Defence Office took part in a conference organised by the Ecole Militaire of Paris on the subject of “The Relationship between International Humanitarian Law and European Law on Human Rights”.

During that month, he also took part in a conference in Montpellier, France, at the invitation of the National Convention of Counsel on the theme of “Counsel as promoter and defender of rights and freedoms”. In his capacity as Head of Defence Office he gave a speech during the plenary, which brought together more than 4,000 lawyers from different countries, including Lebanon, alongside the President of the Constitutional Council and former Minister, Mr Robert Badinter.

In November 2014, the Head of Defence Office was invited to take part in the Colloquium on the Legacy of the International Criminal Tribunal for Rwanda and in international meetings of Prosecutors in Arusha, Tanzania. Also in November he took part in the training on international criminal law organised by the French National School for the Judiciary in Paris and he also spoke at the training session, organised by the STL for Lebanese Non-Governmental Organizations involved in monitoring the hearings held at international jurisdictions.

On 15 and 16 December 2014, the Defence Office organised the second International Meeting of Defence Offices at the Peace Palace in The Hague. The aim of that meeting was to bring together the Defence offices and sections of the international criminal jurisdictions and counsel for the Defence so that they might share their experiences; propose solutions to improve the capabilities of the Defence; and reflect on how to best maintain and promote an effective Defence in the field of international criminal justice.

The discussions were opened by the President of the STL, Sir David Baragwanath, and by Mr Steven van Hoogstraten, General Director of the Carnegie Foundation. The Registrar of the International Court of Justice, Mr Philippe Couvreur, gave a presentation on the case law of that Court. The attendance of the new Chairman of the Tripoli Bar, a representative from the Beirut Bar, and the Chairman of The Hague Bar was a testament to the interest that those Bar Associations have in these issues.

6. The Way Forward

The next reporting period will see the continuation of the presentation of the Prosecution's evidence. The absence of the accused, and of any communication between them and Defence counsel, remains a significant challenge for the Defence teams. In addition, the fact that the Prosecution's case file is complex, voluminous and, in many respects, highly technical, is also very challenging for the Defence.

The activities of the Defence Office in 2015 will be focused on providing as much assistance as possible to the Defence during the trial in the case of *Ayyash et al.*, as well as lending its full support to the Defence teams in the contempt proceedings during the pre-trial and trial phases so as to ensure that Defence counsel are able to represent the rights and interests of the accused in an efficient manner. It is likely that further developments in the proceedings of the *Ayyash et al.* case will give rise to a significant number of procedural issues in respect of which the Legal Advisory Section of the Defence Office will provide assistance.

It is envisaged that the available legal aid resources, provided for in the latest budget approved by the Management Committee, will be fully utilised in 2015. The Operational Support Unit is likely to see increased investigative activity and requests for cooperation from the Defence and increased needs for operational support for the proceedings. In addition, training courses will be organised for counsel appointed in the case of *Ayyash et al.* and for counsel recently admitted to the list of counsel.

The Head of Defence Office will continue to provide his support to the Defence. He will also coordinate activities with the other organs, notably through the Tribunal's Senior Management Board, in order to streamline the judicial proceedings to ensure that the combination of legal traditions results in a fair and efficient administration of justice. The Defence Office will also continue to work with the other organs to establish a transition plan and a risk management strategy.

The Head of Defence Office will continue to hold meetings with the United Nations Under-Secretary-General for Legal Affairs and with members of the Management Committee, as well as maintaining relations with the professional lawyers' associations in Lebanon and beyond.

Work will also continue in 2015 in preparing and organising the third meeting of Defence offices and sections before the international criminal jurisdictions.

The Tribunal has now completed its second three year mandate since commencing work on 1 March 2009. The first mandate was a period of investigation and preparation. The second saw the opening of the first trial on 16 January 2014. The third mandate will include the completion of the current trial. The result of the Prosecutor’s additional investigations of other matters within our jurisdiction remains to be seen. Nevertheless, as an ephemeral tribunal we must prepare and have ready plans for transition and, when our trials are concluded, termination.

Until that time, the Tribunal’s role not only allows us, but also requires us, to play our part in the promotion of the rule of law. As an apolitical institution, the Tribunal’s primary contribution to this goal is legal, in particular the application of due process of law. This process can be seen each day the Trial Chamber sits and the counsel and witnesses who appear before it go about their work under the direct gaze of those who are able to attend the hearings and by video for those people further away. Such public hearings are the distillate of immense preparatory effort by legal officers, counsel and judges. Thus, our immediate task will remain the just and expeditious handling of the investigation, prosecution, defence and trial of the cases within our mandate.

More broadly, having been established by the Security Council as a response to threats to international peace and security, the STL is determined to assist in establishing stability by additional means without distraction from its specific mandate. We do not underrate the difficulties that lie ahead. The Special Tribunal for Lebanon must play its part and stand with Lebanon and support its determined efforts to show what the rule of law can mean for the country’s future and that of the region.

It is worth remembering that Beirut is known as ‘The Mother of Laws’. Such an accolade is well-deserved when one considers the rich legal tradition of Lebanon and its region. Ulpian of Tyre (who died in the Third Century) has been praised as a pioneer of the human rights movement. Principles such as equality, freedom and respect for the individual stem from his time and the contribution he and others made to Roman Law which underpins the legal systems of today.

Thus the tradition and history, which it is the Tribunal’s duty and privilege to share, are rich and long. But in a world riven by conflict and violence of the most extreme kind, one must look forward as well as back. Drawing on and interpreting the Lebanese Criminal Code, early in its life the Tribunal defined terrorism in international law. That its definition generated debate is to be welcomed. Law requires innovation if it is to meet the challenges of rapidly changing circumstances and to contribute to peace and stability.

As the first tribunal of its kind to deal with the crime of terrorism in time of peace and the first to be called upon to deal with events in the Middle East, the Special Tribunal for Lebanon is uniquely placed to make a contribution to the rule of law. In our new mandate we must redouble our efforts to ensure that our legacy is one of significant and enduring value for Lebanon primarily, but also for the region and beyond.

Special Tribunal for Lebanon
 Geographical Representation of International Staff Recruited at the
 Professional Level and Higher and in the FS Categories
As of 23 February 2015

| State | Number of State nationals | State | Number of State nationals |
|------------------------|---------------------------|--------------------------|---------------------------|
| Argentina | 2 | Japan | 1 |
| Australia | 13 | Jordan | 1 |
| Austria | 1 | Kenya | 2 |
| Bangladesh | 1 | Lebanon | 21 |
| Barbados | 1 | Montenegro | 1 |
| Belgium | 6 | The Netherlands | 14 |
| Bosnia and Herzegovina | 4 | New Zealand | 1 |
| Canada | 23 | Philippines | 1 |
| China | 1 | Republic of Moldova | 1 |
| Denmark | 1 | Romania | 5 |
| Egypt | 2 | Russian Federation | 4 |
| Fiji | 1 | Sierra Leone | 1 |
| Finland | 1 | Slovakia | 1 |
| France | 21 | South Africa | 5 |
| Germany | 7 | Spain | 7 |
| Greece | 1 | Sudan | 1 |
| Guyana | 1 | Sweden | 2 |
| Haiti | 1 | TFYR of Macedonia | 1 |
| Hungary | 1 | Tunisia | 2 |
| India | 1 | Turkey | 1 |
| Iraq | 3 | Ukraine | 2 |
| Ireland | 11 | United Kingdom | 31 |
| Italy | 6 | United States of America | 15 |
| Jamaica | 1 | | |
| Total Staff | | | 232 |

Special Tribunal for Lebanon
Geographical Representation of General Services Staff
As of 23 February 2015

| State | Number of State nationals | State | Number of State nationals |
|------------------------|------------------------------|--------------------------------|------------------------------|
| Albania | 1 | Morocco | 1 |
| Australia | 2 | Nepal | 1 |
| Belgium | 2 | The Netherlands | 54 |
| Bosnia and Herzegovina | 5 | New Zealand | 1 |
| Brazil | 1 | Pakistan | 2 |
| Cameroon | 1 | Poland | 1 |
| Canada | 3 | Romania | 9 |
| Croatia | 4 | Russian Federation | 1 |
| Egypt | 1 | Serbia | 5 |
| Ethiopia | 1 | Sierra Leone | 9 |
| Finland | 1 | South Africa | 1 |
| France | 13 | Spain | 2 |
| Ghana | 2 | Sudan | 1 |
| India | 1 | Sweden | 1 |
| Iran | 1 | TFYR of Macedonia | 1 |
| Iraq | 3 | Tunisia | 3 |
| Ireland | 5 | Uganda | 2 |
| Italy | 1 | United Kingdom | 17 |
| Jordan | 1 | United Republic of Tanzania | 1 |
| Kenya | 3 | United States of America | 5 |
| Latvia | 1 | Uzbekistan | 1 |
| Lebanon | 43 | | |
| Total Staff | | | 215 |