

Day 0 - UN Special Tribunal For Lebanon

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The mandate of the Special Tribunal for Lebanon is to prosecute persons responsible for the attack of 14 February 2005 resulting in the death of former Prime Minister Rafiq Hariri and in the death or injury of other persons. The Tribunal's jurisdiction could be extended beyond the 14 February 2005 bombing if the Tribunal finds that other attacks that occurred in Lebanon between 1 October 2004 and 12 December 2005 are connected in accordance with the principles of criminal justice and are of a nature and gravity similar to the attack of 14 February 2005. This connection includes but is not limited to a combination of the following elements: criminal intent (motive), the purpose behind the attacks, the nature of the victims targeted, the pattern of the attacks (modus operandi), and the perpetrators. Crimes that occurred after 12 December 2005 can be eligible to be included in the Tribunal's jurisdiction under the same criteria if it is so decided by the Government of the Lebanese Republic and the United Nations and with the consent of the Security Council.

Factsheet: Special Tribunal for Lebanon

- Mandate/Jurisdiction
- Main Features
- Organization of the Special Tribunal

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Main Features

Applicable Law:
The applicable law for the Special Tribunal is national in character, as the Statute stipulates that the Special Tribunal shall apply provisions of the Lebanese Criminal Code relating to the prosecution and punishment of acts of terrorism and crimes and offences against life and personal integrity, among others. Exclusion of Death Penalty and Forced Labor:

Lebanese criminal law will be applied by the Tribunal subject to the exclusion of penalties such as death penalty and forced labor, which are otherwise applicable under the Lebanese law. The Special Tribunal has the power to impose penalties leading up to and including life imprisonment. Sentences will be served in a State designated by the President of the Special Tribunal from a list of States that would have expressed their willingness to accept persons convicted by the Tribunal. **International Character:**

The international character of the Special Tribunal for Lebanon was explicitly stipulated in the request submitted by the Government of Lebanon to the Secretary-General of the United Nations to establish a Tribunal to try all those

responsible for the attack of 14 February 2005. It was also explicitly set out in the mandate provided to the Secretary-General by the Security Council in resolution 1664 (2006) to negotiate an agreement with the Lebanese Government aimed at establishing a tribunal of an international character. The UN and the Lebanese Government agreed that the Tribunal would have a mixed composition with the participation of Lebanese and international judges, as well as an international Prosecutor. The Tribunal's standards of justice, including principles of due process of law, will be based on the highest international standards of criminal justice as applied in other international tribunals. Independence-Fairness-Efficiency:

To ensure the independence of the Special Tribunal, its Statute includes various safeguards. It provides for a transparent and thorough process for the appointment of the Tribunal's officials, in particular the judges and the Prosecutor, and it stipulates that the Chambers shall be composed of Lebanese judges as well as international judges. The establishment of the Special Tribunal with a majority of international judges, an international Prosecutor, and a Registrar is aimed at ensuring the independence, objectivity and impartiality of the trial process. In addition, and in fairness to the accused, the Statute includes provisions on protection of the rights of the accused, including the establishment of a Defense Office that carries out its functions independently. The Statute also includes provisions on the rights of the victims to present their views and concerns as deemed appropriate by the Tribunal. Furthermore, and in order to ensure the efficiency of the Tribunal, the Statute includes provisions on enhanced powers of the Tribunal to take measures to ensure expeditious hearing and prevent any action that may cause unreasonable delay. For considerations of justice and fairness, as well as security and administrative efficiency, the seat of the Special Tribunal will be located outside Lebanon, in the urban area of The Hague (Netherlands). Combined Funding Mechanism:

Fifty-one per cent of the costs of the Special Tribunal are borne by voluntary contributions from States, while the Government of the Lebanese Republic finances forty-nine per cent of the costs. Commencement of Operation:

The Tribunal will commence functioning on a date to be determined by the Secretary-General, in consultation with the Government of Lebanon, taking into account the progress of the work of the Investigation Commission. The Secretary-General would also wish to have sufficient contributions in hand to finance the establishment of the Tribunal and 12 months of its operations, plus pledges equal to the anticipated expenses of the following 24 months of the Tribunal's operation.

Organization of the Special Tribunal

The Special Tribunal will consist of four organs: the Chambers, the Prosecutor, the Registry and the Defense Office. The Chambers:

The Chambers are composed of one international Pre-Trial Judge, a Trial Chamber (three judges: one Lebanese and two international), an Appeals Chamber (five judges: two Lebanese and three international), and two alternate judges (one Lebanese and one international). A single international judge serves as a Pre-Trial Judge. The Pre-Trial Judge reviews and confirms indictments and may also issue arrest warrants, transfer requests, and any other orders required for the conduct of the investigation and for the preparation of a fair and expeditious trial. All judges must be persons of high moral character, impartiality and integrity, with extensive judicial experience. The Secretary-General appoints the judges in consultation with the Lebanese Government and upon the recommendation of a selection panel, made up of two judges currently sitting on or retired from an international tribunal, and a representative of the Secretary-General. The Lebanese Judges (four) are appointed by the Secretary-General, from a list of 12 nominees presented by the Government of the Lebanese Republic upon the proposal of the Lebanese Supreme Council of the Judiciary. The International Judges (seven*) are appointed by the Secretary-General, from nominations received from Member States, or competent persons. The Judges serve for a period of three years and are eligible for reappointment. The Prosecutor:

The Prosecutor is appointed by the Secretary-General, after consultation with the Government and upon the recommendation of a selection panel, made up of two judges currently sitting on or retired from an international tribunal, and a representative of the Secretary-General. The Prosecutor serves for a three-year term and eligible for reappointment. A Lebanese Deputy Prosecutor, who assists the Prosecutor in the performance of his functions, is appointed by the Government of the Lebanese Republic in consultation with the Secretary-General and the Prosecutor. The Prosecutor and the Deputy Prosecutor must be of high moral character and possess the highest level of professional competence and extensive experience in the conduct of investigations and prosecutions of criminal cases. The Prosecutor is responsible for the investigation and prosecution of persons responsible for the crimes falling within the jurisdiction of the Special Tribunal. The Registry:

The Registry consists of the Registrar and such staff as required. The Registrar is appointed by the Secretary-General and is a staff member of the United Nations. The Registrar serves for a three-year term and may be eligible for reappointment. Under the authority of the President of the Special Tribunal, the Registry is responsible for the administration and servicing of the Tribunal. Defense Office:

An independent Defense Office acts to protect the rights of the defense, draws up the list of possible defense counsel and provides support and assistance to defense counsel and persons entitled to legal assistance. The Head of the

Defense Office is appointed by the Secretary-General, in consultation with the President of the Special Tribunal.

Besides the organs above, a Management Committee is established based on consultations between the UN and the Government of Lebanon. The tasks of the Management Committee include, inter alia, provision of advice and policy direction on all non-judicial aspects of the operations of the Special Tribunal and review and approval its annual budget.

-----Timeline: Special Tribunal for Lebanon

- Chronology of Key Events
- Steps undertaken pursuant to resolution 1757 (2007)Chronology of Key Events

(Not an Official Document of the United Nations)

- 14 February 2005 : Former Lebanese Prime Minister Rafiq Hariri and 22 others are killed in a bomb attack in Beirut . The Secretary-General and the Security Council both condemn the act. (S/PRST/2005/4)
- 7 April 2005 : The UN Security Council adopts resolution 1595 (2005) establishing the International Independent Investigation Commission.
- 13 December 2005 : The Lebanese Government requests the United Nations to establish a tribunal of an international character to try all those alleged responsible for the attack of 14 February 2005 in Beirut that killed the former Lebanese Prime Minister Rafiq Hariri and 22 others. (S/2005/783)
- 15 December 2005 : In response to the request of the Lebanese Government, the Security Council adopts resolution 1644 (2005) in which it requests the Secretary-General to help the Lebanese Government identify the nature and scope of the international assistance needed to try those eventually charged with the terrorist attack that killed former Lebanese Prime Minister Rafiq Hariri and 22 others before a tribunal of an international character. (Para 6 Res 1644 (2005))
- 29 March 2006 : The Security Council adopts resolution 1664 (2006), in which it welcomes the report by the Secretary-General of 21 March 2006 (S/2006/176) submitted pursuant to resolution 1644 (2005) and requests the Secretary-General to negotiate an agreement with the Government of Lebanon aimed at establishing a tribunal of an international character based on the highest international standards of criminal justice.
- 15 November 2006 : The Secretary-General submits his report to the Security Council on the outcome of the United Nations' negotiations with the Lebanese Government, which took place between May and July 2006, on the establishment of the Special Tribunal. (S/2006/893)
- 24 November 2006 : The President of the Security Council transmits a letter to the Secretary-General (S/2006/911) , in which the members of the Security Council: welcome the conclusion of the negotiations with the Government of Lebanon; express satisfaction at the Agreement annexed to the report of the Secretary-General, including the Statute; and invite the Secretary-General to proceed, together with the Government of Lebanon, with the final steps for the conclusion of the Agreement.
- 23 January and 6 February 2007 : The Agreement between the United Nations and the Lebanese Republic of the establishment of a Special Tribunal for Lebanon is respectively signed by the Government of Lebanon and the United Nations. (SG/SM/10871)
- 14 May 2007 : The Prime Minister of Lebanon writes to the Secretary-General informing him that all domestic options for the ratification of the instruments establishing the Special Tribunal have been exhausted and that a majority of Parliamentarians has expressed its support for the Tribunal, and asks the Secretary-General to present to the Security Council his request that the Special Tribunal be put into effect as a matter of urgency. (S/2007/281)
- 30 May 2007 : The Security Council adopts resolution 1757 (2007), in which, acting under Chapter VII of the Charter of the United Nations, the Council decides that the provisions of the annexed document to resolution 1757 (2007) - including its attachment would enter into force on 10 June 2007, unless the Government of Lebanon had notified the United Nations in writing that the legal requirements for entry into force had been complied with before that date. Should the annexed document enter into force as a result of the resolution, the Security Council requested the Secretary-General, in coordination, when appropriate, with the Government of Lebanon, to undertake the steps and measures necessary to establish the Special Tribunal in a timely manner.
- 10 June 2007 : The provisions of the Annex and the Statute of the Special Tribunal enter into force as no notification is received from the Government of Lebanon that the legal requirements for entry into force of the Annex to Resolution 1757 (2007) and its attachment had been complied with before 10 June 2007. (SG/SM/11035 –L/3117)

Steps undertaken to date by the Secretary-General pursuant to Security Council resolution 1757 (2007):

A- Seat

- 21 December 2007 : Representatives of the United Nations and of the Netherlands sign the Headquarters Agreement that will enable the seat of the Special Tribunal to be based in the Netherlands . The Agreement is consequently submitted to the Parliament of the Netherlands for approval. On 8 November, the Dutch authorities provided the UN Secretariat with detailed information on the building that has been identified as the most adequate location for the seat of the Tribunal. (SG/SM/11347) B- Appointments 1- Judges
- 10 July 2007 : The Government of the Lebanese Republic forward to the Secretary-General , in a sealed envelope, a list of twelve candidates proposed for judicial appointments by the Lebanese Supreme Council of the Judiciary, as set forth in article 2, paragraph 5 (a) of the Annex.
- 1 August 2007 : The Legal Counsel sends a letter to all Member States, on behalf of the Secretary-General, inviting them to consider submitting candidates for appointment as judges of the Special Tribunal no later than 24 September 2007. The names of thirty-seven international candidates are subsequently put forward.
- Mid-October 2007 : The Secretary-General establishes a Selection Panel after indicating his intention to the Security Council in accordance with article 2, paragraph 5 (d) of the Annex. The panel is composed of Judge Mohamed Amin El Mahdi, who served as judge of the International Criminal Tribunal for the former Yugoslavia from 2001 to 2005, Judge Erik Møse, currently serving as judge of the International Criminal Tribunal for Rwanda, where he was President of the Tribunal from 2003 to 2007, and Mr. Nicolas Michel, the Legal Counsel of the United Nations. (SG/SM/11035)
- October/November 2007 : Consultations are held with the Government of the Lebanese Republic in accordance with article 2, paragraph 5 (c) of the Annex, which provides that “the Government of the Lebanese Republic and the Secretary-General shall consult on the appointment of judges”.
- 4 December 2007 : After having selected and interviewed the candidates, the Selection Panel makes its recommendations to the Secretary-General, which he accepts. (SG/SM/11347) 2- Prosecutor
- From June to September 2007 : Informal consultations are held with experts in the field with a view to securing candidates for consideration for the position of Prosecutor.
- October 2007 : The Selection Panel (the same Panel that selected the Judges) selects and interviews candidates for the position of Prosecutor.
- Early November 2007 : The Government of the Lebanese Republic is consulted on the appointment of the Prosecutor, pursuant to article 3, paragraph 1 of the Annex.
- 8 November 2007 : The Selection Panel recommends that Mr. Daniel Bellemare, of Canada , be appointed as the Prosecutor, and the Secretary-General accepts the recommendation.
- 14 November 2007 : The Secretary-General appoints Mr. Bellemare to succeed Mr. Brammertz as the Commissioner of the Investigation Commission. On the same day, pursuant to his authority under article 3 of the Annex, the Secretary-General appoints Mr. Bellemare as the Prosecutor of the Special Tribunal for Lebanon . Mr. Bellemare will, however, commence his official duties as the Prosecutor of the Special Tribunal at a later date in keeping with the provisions of the Annex. (S/2007/669) 3- The Registrar
- 13 November 2007 : The Legal Counsel sends a letter to Member States inviting them to submit nominations for appointment as Registrar of the Special Tribunal no later than 14 December 2007. Pursuant to that letter, a total of 14 nominations are put forth by States.
- 10 March 2008: The Secretary General appoints Mr. Robin Vincent (United Kingdom) as the Registrar of the Special Tribunal for Lebanon. Mr. Vincent will commence his duties at a date to be determined. (SG/A/1124) 4- The Head of the Defence Office
- January 2007 : The process of recruiting an independent Head of the Defence Office is initiated. C- Budget
- 4 September 2007 : The Secretary-General informs the Security Council in his report of 4 September 2007 (S/2007/525) that it is projected that the Special Tribunal will require a global estimate of \$35 million for the first 12 months of its operation (exclusive of costs related to the preparation of the premises), \$45 million for the second 12 months, and \$40 million for the third 12 months. Should a second Trial Chamber be created during the second or third years of the Special Tribunal, an additional financial requirement to fund it is estimated at \$8 million.
- 13 February 2008 : The Secretary-General announces the establishment of the Management Committee of the

Special Tribunal for Lebanon . The Management Committee is composed of the main donors to the Tribunal and is tasked, inter alia, to provide advice and policy direction on all non-judicial aspects of the operations of the Special Tribunal and review and approve its annual budget. (SG/SM/11412) D- Funds

• 26 July 2007 : The UN Secretariat creates a Trust Fund to receive contributions for the establishment and activities of the Special Tribunal. On 5 December 2007, the States that have made significant contributions or pledges to the funding of the Special Tribunal unanimously agreed that funds should be managed directly by the Tribunal, as is the case with the Special Court for Sierra Leone , rather than through a United Nations trust fund.

• 8 October 2007 : The Secretary-General sends a letter to Member States inviting them to contribute to the trust fund.

• As of 29 January 2008 : The total amount deposited in the Trust Fund covers 64.3% of the projected estimate for the first year of operation (\$35 million), including a contribution from the Government of Lebanon that amounts to 49% of the first year global estimate. Current pledges, in addition the amount deposited, bring the percentage to 83% of this global estimate.

• 13 February 2008 : The Secretary-General announces that he has received indications that expected contributions to the Special Tribunal will meet the budgetary requirements for the establishment and first twelve months of operations of the Tribunal. (SG/SM/11412) E - Transition from the Investigation Commission to the Special Tribunal

• November 2006/January 2007 : A series of measures are taken and consultations held between the Secretariat and the International Independent Investigation Commission (IIIC) to ensure that there is a coordinated transition from the activities of IIIC and the activities of the Office of the Prosecutor of the Special Tribunal.

-----List of UN Documents on the Special Tribunal for Lebanon

- Resolutions
- Meeting Records
- Presidential Statements
- Press Statements
- SG Reports
- Exchange Of Letters
- SG Press Releases
- Press Briefings

S/RES/1757 (2007) 30 May 2007 (Annex and Statute included)

S/RES/1664 (2006) 29 March 2006

S/RES/1644 (2005) 15 December 2005

S/RES/1595 (2005) 7 April 2005

MEETING RECORDS

S/PV.5685 30 May 2007

S/PV.5401 29 March 2006

S/PV.5329 15 December 2005

S/PV.5160 7 April 2005

Presidential Statements

S/PRST/2005/4 15 February 2005

Press Statements

SC/9287 Security Council press statement on Special Tribunal for Lebanon (27 March 2008)

SG REPORTS
S/2008/173 12 March 2008

S/2007/525 4 September 2007

S/2006/893 15 November 2006

S/2006/176 21 March 2006

EXCHANGE OF LETTERS

S/2007/737 17 December 2007

S/2007/669 14 November 2007

S/2007/610 16 October 2007

S/2007/609 16 October 2007

S/2007/281 16 May 2007

S/2006/911 24 November 2006

S/2005/483 13 December 2005

SG PRESS RELEASES

SG/SM/11538 29 April 2008

SG/SM/11413 14 February 2008

SG/SM/11412 13 February 2008

SG/SM/11347 21 December 2007

SG/A/1109 16 November 2007

SG/SM/11216 11 October 2007

SG/SM/11099 23 July 2007

SG/SM/10880 14 February 2007

SG/SM/10871 6 February 2007

SG/SM/10321 25 January 2006

PRESS BRIEFINGS

Press conference by United Nations Legal Counsel on Special Tribunal for Lebanon (19 September 2007)

Press conference by United Nations Legal Counsel on Special Tribunal for Lebanon (27 March 2008)