



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

ABOUT THE TRIBUNAL

“...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”

STL FACT SHEET: ABOUT THE TRIBUNAL



Mandate and Jurisdiction

On 13 December 2005, the Government of the Republic of Lebanon requested the United Nations to establish a tribunal of an international character to try all those who are alleged responsible for the attack of 14 February 2005 in Beirut that killed the former Lebanese Prime Minister Rafiq Hariri and 22 others. Pursuant to Security Council resolution 1664 (2006), the United Nations and the Lebanese Republic negotiated an agreement on the establishment of the Special Tribunal for Lebanon. Further to Security Council resolution 1757(2007) of 30 May 2007, the provisions of the document annexed to it and the Statute of the Special Tribunal thereto attached, entered into force on 10 June 2007. The Tribunal began functioning on 1 March 2009.

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 Republic of Lebanon and the United Nations and with the consent of the Security Council.

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 Labour:

Lebanese criminal law will be applied by the Special Tribunal subject to the exclusion of penalties such as death penalty and forced labour, 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 Special 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 Special Tribunal would have a mixed composition with the participation of Lebanese and international judges, as well as an international Prosecutor. The Special 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 Special 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 Defence 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 Special 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.

Management Committee

Management Committee was established as a result of consultations between the UN and the Government of Lebanon. The role of the Management Committee includes, inter alia, advice and policy direction on all non-judicial aspects of the operations of the Special Tribunal and review and approval of the STL's annual budget.

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