

**SPECIAL
TRIBUNAL
for LEBANON**

13th Annual Report (2021-2022)

Foreword by the President

I am pleased to present the Special Tribunal for Lebanon's thirteenth annual report, addressing the operations and activities of the STL in the period between 1 March 2021 and 28 February 2022.

As we complete the final stages of our work, it is apt to recognize the invaluable and irreplaceable support, backing and assistance of the Government of Lebanon and the United Nations throughout our mission. Particular thanks is also due to the members of the international community that have voluntarily contributed funding, operational and diplomatic support, including the Netherlands, who have graciously hosted our headquarters since our inception. In the reporting period, the assistance of the international community, including members of the Tribunal's Management Committee, has been instrumental to preserving functionality and ensuring the efficient completion of core work as the STL navigated new financial realities.

While the reporting period presented a shortfall of funding that necessitated modification to our scheduled programme of work, we nevertheless adapted within our means, implementing a cost-conscious drawdown process. Owing to this new financial landscape and following close consultations with the Management Committee, the STL further reduced staffing numbers as it downsized and refocused operations to reflect the realities of the funding shortfall. This necessarily meant prematurely parting ways with many valued, talented colleagues. Nevertheless, our personnel have shown remarkable professionalism, resilience and commitment to the STL's mission. Those current and former personnel who have contributed to the STL's work over the reporting period deserve particular acknowledgment and thanks.

In respect of judicial work, only the issuance of the appeal judgment in the case of *Prosecutor v. Merhi and Oneissi*, concerning the 14 February 2005 attack that killed 22 people including the former Lebanese Prime Minister, Rafik Hariri, and injured 226 others, remains. On 24 February, the Appeals Chamber issued a scheduling order for the public pronouncement of the Appeal Judgment on 10 March 2022.



Ivana Hrdličková
STL President

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About the STL

The STL is a tribunal of international character established following a request by the Government of Lebanon to the United Nations, with the Agreement between the UN and Lebanon annexed to, and brought into force by, UN Security Council resolution 1757 ([S/RES/1757](#)).

The STL was inaugurated on 1 March 2009. It is an independent judicial organization composed of Lebanese and international judges. It has four organs:

Chambers

Chambers has three distinct sections: a Pre-Trial Judge, the Trial Chambers and an Appeals Chamber. The President of the STL, Judge **Ivana Hrdličková**, is the Presiding Judge of the Appeals Chamber and also represents the entire Tribunal.

Office of the Prosecutor

The Office of the Prosecutor investigates and prosecutes those responsible for the 14 February 2005 attack, as well as the Connected Case and any other attacks within the Tribunal's jurisdiction. The Prosecutor is **Norman Farrell**.

Defence Office

The Defence Office protects and promotes the rights of the suspects and accused. It does not represent the accused but rather ensures that the representation of the suspect or accused by counsel is effective. The Head of Defence Office is **Dorothee Le Fraper du Hellen**.

Registry

The Registry is responsible for the good administration and servicing of the Tribunal, making it in effect the engine room for many external and internal functions. The Registrar is **David Tolbert**.

According to article 1 of its [Statute](#), the STL has jurisdiction over persons responsible for the attack of 14 February 2005 resulting in the death of the former Lebanese Prime Minister Rafik Hariri and in the death or injury of other persons.

The STL also has jurisdiction over other attacks that occurred in Lebanon between 1 October 2004 and 12 December 2005 if it is proven that they are connected to the attack of 14 February 2005 and are of similar nature and gravity. The mandate also allows the Tribunal to have jurisdiction over crimes carried out on any later date, decided by the parties and with the consent of the UN Security Council, if they are connected to the 14 February 2005 attack.

The STL is the first tribunal of its kind to deal with terrorism as a distinct crime and was the first to define terrorism as an international crime. It permits trials *in absentia* in line with Lebanese law and international human rights standards.

In accordance with the Agreement, 51 per cent of the Tribunal's expenses are to be borne by voluntary contributions from States, while the remaining 49 per cent is borne by the Government of Lebanon.

External oversight of the STL's operations is provided by the STL's Management Committee. It provides general policy direction and advice without interference in the judicial process. For example, the Management Committee reviews and approves the budget to ensure financial efficiency, encourages state cooperation with the Tribunal, and assists in securing funding. The Management Committee is based in New York and consists of representatives of Lebanon, the Netherlands, the United Kingdom (Chair), Canada (Vice-Chair), France, Germany, Italy, Japan, the United States and the European Union. The UN Secretary General, or his representative, is an *ex officio* member.



Key Developments

1. The STL's four Organs coalesced around the common target of advancing and achieving priorities set out in the [STL Strategic Plan 2021-2022](#). Appeal proceedings progressed in the *Prosecutor v. Ayyash et al.* case (STL-11-01), with the Appeals Chamber issuing a key pre-appeal decision as to the admissibility of an appeal filed by the defence for *in absentia* convicted, Mr Ayyash, and the Parties and Legal Representatives for Victims (LRV) submitting their briefs and observations respectively. In parallel, coordination meetings inside and outside of the courtroom, including between the President, Pre-Trial Judge, and Presiding Judge of Trial Chamber II, and with relevant Registry sections, the Parties and LRVs, ensured the timely progression of preparation for trial in the *Prosecutor v. Ayyash* case (STL-18-10) (Connected Case). As a result, prior to the announcement of a funding shortfall, all key judicial and non-judicial deadlines were on target for completion in accordance with the Strategic Plan.
2. In light of financial uncertainties, the STL prepared for various contingencies in the event reasonably anticipated income was not received in 2021. Alongside its judicial work, the STL simultaneously advanced its drawdown process, preparing for the completion of operations through the development and implementation of plans, policies and processes to ensure the long-term security of records and evidence collections, the protection of and support to witnesses, and the capacity of the institution to perform a limited number of residual functions as agreed between the United Nations and Lebanon.
3. Despite intensive engagement with prospective donors, during the first half of 2021, the STL did not receive sufficient indications of financial contributions to fund activities set out in its Approved 2021 Programme & Budget in full. Consequently, on 1 June 2021, the Registrar filed submissions before the Chambers advising of a funding shortfall and that the STL had insufficient funds to continue planned judicial activity beyond the end of July 2021. Trial Chamber II subsequently vacated the anticipated start of the Connected Case trial and suspended the proceedings.
4. Following consultations with its Management Committee, in July 2021 the STL reduced its planned expenditure through the adoption of a Revised 2021 Expenditure Plan, which was aligned to correspond with levels of projected income. The associated revised programme of work maintained the STL's commitment to the completion of the *Prosecutor v. Merhi and Oneissi* appellate proceedings by the end of July 2022, at the latest, and included drawing-down operations in order to facilitate the commencement of the STL's residual phase by the same date.

5. The Appeals Hearing in the case of *Prosecutor v. Merhi and Oneissi* (STL-11-01/A-1) was conducted over five days from 4 to 8 October 2021, in line with the STL's commitment to ensure the completion of the appellate phase by no later than the end of July 2022. The Appeals Chamber reviewed and revised its timeline estimates in January 2022, and on 24 February, scheduled the public pronouncement of the appeal judgment for 10 March 2022.
6. With this revised programme of work, the STL accelerated the drawdown of its operations. Examples include the closure of its Beirut Office in 2021, the review and/or termination of contractual agreements, and staggered post-abolitions effective 1 August, 1 November, 1 December 2021 and 1 January 2022. These efforts significantly curtailed 2021 expenditure as compared to the initial Approved 2021 Programme & Budget.



Judicial Proceedings

STL-11-01

Prosecutor v. Ayyash et al.

Four accused faced trial *in absentia* before the STL in respect of the 14 February 2005 attack against former Lebanese Prime Minister Rafik Hariri. The proceedings against a fifth accused, Mr Mustafa Amine Badreddine, were terminated in 2016 following reports of Mr Badreddine's death. On 18 August 2020, Mr Salim Jamil Ayyash was convicted of conspiracy to commit a terrorist act, along with a number of other related charges. Mr Hassan Habib Merhi, Mr Hussein Hassan Oneissi and Mr Assad Hassan Sabra were acquitted of all counts. The Trial Chamber rendered its sentencing judgment with respect to Mr Ayyash on 11 December 2020, imposing five concurrent sentences of life imprisonment in respect of his convictions.

The Prosecution, Ayyash Defence and LRV filed notices of appeal on 12 January 2021. On 24 February 2021, the Appeals Chamber found that the notice of the appeal filed by the LRV was inadmissible, but that the LRV would retain a right to participate in the appeal proceedings.

Developments during the reporting period

Prosecutor v. Merhi and Oneissi (STL-11-01/A-1)

1. On 29 March 2021, the Prosecutor submitted his appeal brief, comprised of eight grounds of appeal in relation to the cases against two of the acquitted accused, Mr Merhi and Mr Oneissi.
2. Defence Counsel for Mr Merhi and Mr Oneissi each filed a brief responding to the Prosecutor's appeal on 31 May 2021. The Prosecutor filed his brief-in-reply on 16 June 2021 and the LRV filed observations on 14 June 2021. Counsel for Mr Merhi responded to the LRV's observations on 25 June 2021.
3. On 12 July 2021, the Appeals Chamber issued an order scheduling an appeals hearing, as mandated by Rule 185 of the STL's [Rules of Procedure and Evidence](#).

4. Between 4 and 8 October 2021, the Office of the Prosecutor, Merhi Defence, Oneissi Defence and LRV made oral submissions in the Appeals Hearing conducted at the STL's Leidschendam Headquarters. On 8 October, the Appeals Chamber retired to deliberate and draft its judgment.
5. On 24 February 2022, the Appeals Chamber issued a scheduling order giving notice that the Appeals Judgment would be pronounced in public session on 10 March 2022..

Prosecutor v. Ayyash (STL-11-01/A-2)

6. On 29 March 2021, the Appeals Chamber ruled that the Defence for Mr Ayyash have no standing to appeal Mr Ayyash's conviction or sentence in his absence. The Appeals Chamber found that Mr Ayyash, as convicted accused, retains all the safeguards required under international human rights standards, including the right to appeal the judgment or to request a retrial if he appears.



STL-18-10

Prosecutor v. Ayyash **(“Connected Case”)**

In 2011, the Pre-Trial Judge determined that three attacks are *prima facie* connected to the 14 February 2005 attack against former Lebanese Prime Minister, Rafik Hariri. The Connected Case relates to the following attacks against Lebanese politicians:

- The 1 October 2004 explosion of a device in Beirut that targeted Mr Marwan Hamade, injuring him and another person, and killing Mr Hamade’s bodyguard, Mr Ghazi Abou-Karroum.
- The 21 June 2005 explosion of a device in Beirut that targeted Mr Georges Hawi, killing him, and injuring two other persons.
- The 12 July 2005 explosion of a device in Antelias, which targeted Mr Elias El-Mur, injuring him and fourteen others and killing Mr Khaled Moura, who was driving past in another vehicle, at the time of the attack.

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

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

On 25 February 2021, the Pre-Trial Judge issued a Scheduling Order setting 16 June 2021 as a tentative date for the start of trial.

Developments during the reporting period

1. Following the transfer of the LRV's lists of witnesses and exhibits to Trial Chamber II by the Pre-Trial Judge on 5 March 2021, and the filing of the Ayyash Defence's Pre-Trial Brief on 23 April 2021, the Pre-Trial Judge issued his report under Rule 95 of the Rules of Procedure and Evidence, formally seizing Trial Chamber II on 21 May 2021. The Pre-Trial Judge confirmed 16 June 2021 as the tentative date for the start of trial proceedings and Trial Chamber II scheduled a Pre-Trial Conference for 10 June 2021.
2. On 1 June 2021, the Registrar filed notice to the Pre-Trial Judge, Trial Chamber II, Appeals Chamber and President, advising of the imminent exhaustion of available funds, which would adversely impact the STL's ability to finance the continuation of judicial proceedings beyond 31 July 2021, and ultimately, its ability to complete its mandate. The Registrar informed the Chambers that, faced with this unprecedented situation, and in order to meet his obligations to administer and service the STL, he had no choice but to activate a process of separation of staff and to initiate drawdown activities. The Registrar indicated that should funding become available, these plans would be reassessed. The following day, on 2 June 2021, Trial Chamber II ordered the cancellation of the Pre-Trial Conference and commencement of trial, scheduled for 10 and 16 June 2021 respectively, and suspended all decisions on filings presently before it, and on any future filings—as well as time-limits for filing responses to any filings.
3. On 18 June 2021, the Registrar submitted updated notice to Trial Chamber II, advising that despite intensive fundraising efforts and discussions with the Management Committee, additional prospective and conditional reasonably anticipated income would be inadequate to finance all ongoing judicial proceedings to their completion. Trial Chamber II filed an order seeking clarification on the implications of the funding shortfall from the Registrar on 24 June 2021. The Registrar filed a clarification on 30 June 2021, noting *inter alia*, that the Tribunal's financial situation remained dire, with insufficient funding for judicial activities to continue beyond 31 July 2021.
4. On 13 July 2021, Trial Chamber II requested input from the United Nations Security Council, through the Tribunal's President, about the disposition of the Connected Case, and continued the stay of its proceedings until the requested direction is received from the Security Council.

Other matters

In the Matter of El Sayed

Pursuant to the Pre-Trial Judge's order of 8 October 2012, every six months the Prosecution submits updated risk assessments for a number of individuals whose statements Mr Jamil El Sayed had requested be disclosed. In light of the Registrar's filing of 19 June 2021 concerning the inadequacy of funds to maintain all ongoing judicial proceedings and the Tribunal's transition towards completion of active judicial work, on 8 December 2021 the Prosecution filed a motion before the President seeking clarification as to the status of the matter of *El Sayed* and an order terminating or suspending the ongoing obligations on the Prosecution and Victims and Witnesses Unit.

Governance & Administration

Residual Phase Planning

In previous years, the STL has reported on its progress in an ongoing transition and residual planning process. This inter-organ project resulted in detailed, thorough analysis of best practices and proposals for purpose built solutions for ensuring that the STL's residual functions and ongoing legal obligations are appropriately provided for.

As with all temporary international tribunals, the completion of the STL's core mandate will result in residual functions that require servicing. These are the functions necessary to ensure the STL's obligations are respected. They include guaranteeing the rights and entitlements of persons impacted by the STL's work — such as victims, witnesses, accused and convicted persons —in accordance with STL's legal framework, the safeguarding of sensitive information, and the proper archiving and preservation of evidence and document collections.

In March 2021, the Principals presented to the Management Committee a proposal for the servicing of residual functions emphasizing cost-efficacy.

On the basis of consultations with Lebanon and the United Nations, and discussions with the Management Committee, planning for a residual phase has proceeded during the reporting period on the assumption that the STL will retain its current legal framework, but will be dormant, meaning only residual functions will be performed.

By way of letter dated 7 September 2021 ([S/2021/796](#)), the United Nations Secretary-General informed the Security Council that the following framework had been agreed between the United Nations and Lebanon on the performance of the STL's residual functions:

- The residual functions will be performed under a dormant structure which would maintain the current legal framework, including the Agreement and the STL Statute. This dormant structure will consist of minimal administrative offices backed by an ad hoc court structure under which the judges and senior officials will work primarily remotely, on an as-required basis.
- The residual functions will be primarily limited to the management and preservation of the STL's records and archives, assistance to national authorities and responses to requests for information, and the protection and support of victims and witnesses. While the STL will retain the legal authority for other judicial functions currently vested in it, there would be no ongoing judicial or investigative activity in the residual phase, unless circumstances would necessitate the performance of those judicial functions.

- The residual functions will be performed following the completion of the *Prosecutor v. Merhi and Oneissi* appeal until the end of the current mandate period, February 2023. If at the end of this period, the performance of these residual functions has not been completed, the Agreement may be extended for a further period to be determined by the Secretary-General, in consultation with the Government of Lebanon and the Security Council, to allow the STL to complete its work pursuant to article 21 of the Agreement.
- Upon the closure of the Special Tribunal, the United Nations will be the custodian of the STL's records and archives.

Transition to Dormancy

During 2021, the STL increased its readiness for the completion of judicial activities, advancing work required to wind down operations. This work was premised on previous planning for residual functions of the STL to be performed in a residual dormant phase.

An orderly transition process is essential for ensuring the long-term security of information and evidence collections, the safety of witnesses, and the residual capacity of the institution to fulfil ongoing legal obligations. The transition work falls within three, overlapping phases:

- A **preparation phase**, involving the planning and preparation for drawing down activities and closing operations, including the development of policies and procedures to ensure an orderly transition, the survey of records and archives, and ensuring obligations to staff are met as the STL reduces staffing capacity. The final aspects of this preparation phase were finalized in 2021.
- A methodical, exhaustive **implementation phase**, focused upon delivering a cost-effective, time-efficient drawdown and transition to dormancy. As detailed further below, various aspects of the implementation phase were advanced throughout the reporting period.
- A **handover phase**, during which the STL will handover its functions to a “dormant” entity that retains the STL's legal frameworks, but minimal operational responsibilities. Handover is anticipated by 1 August 2022 at the latest.

Records Survey and Archive Preparation

During the second half of 2021, all four STL organs completed records surveys to identify the quantities and volume of data that will need ongoing maintenance and storage. This was a precursor to the implementation of digital and physical archiving which will be completed in 2022. Separately, draft

policies for the continued maintenance and management of judicial records and case files including protocols for transfer, access, and the mode for handling judicial records on retrieval were developed.

Archiving of Complex Holdings of the Office of the Prosecutor (OTP)

During the reporting period and particularly since August 2021, a key priority of the OTP has been to secure and preserve its large and complex collection of digital and physical evidentiary records and other holdings to ensure the orderly transition to the successor entity and to the United Nations for archiving. During the reporting period, the OTP identified holdings within the custody of the OTP that require preservation, securing, return, archiving and/or handover; ensured the security and integrity of OTP information and holdings, including comprehensive accounting of records, sensitivity classifications and maintaining metadata; prepared for the return of physical artefacts, including forensic items; and prepared holdings for future use, if necessary, and archiving.

The OTP's digital and physical holdings include evidence and records of internal work carried out by both the United Nations International Independent Investigations Commission (UNIIC) and the OTP. Documentary evidence and forensic artefacts are associated with cases STL-11-01 and STL-18-10 as well as other targeted attacks potentially within the jurisdiction of the STL. These fill a number of vaults and include thousands of artefacts such as hazardous materials, biological materials, and bulky items such as a vehicle engine block.

The preservation of the integrity of physical evidence is the responsibility of specialized OTP staff. This involves maintaining controlled access and recording every movement of a piece of evidence to ensure the completeness of its chain of custody and therefore its integrity. The future transfer of custody of these evidential materials to the United Nations will require close coordination, with comprehensive logs generated for each step.

The OTP's digital records include databases in which the OTP maintains metadata on its evidence collection, investigative activities by UNIIC and the OTP, and around 44 billion mobile phone records (CDRs). The CDR database is a primary investigative tool and also is essential for preparation of the Prosecution and Defence cases. The creation and maintenance of these databases requires specialized IT staff in the OTP working closely with Registry IT staff. Transfer of these databases and/or the data in them to the custody of the United Nations is technically difficult undertaking requiring involved discussions to ensure the maintenance of security and integrity of these highly sensitive records.

Review of Contractual Obligations

In the second half of 2021, the STL reviewed and assessed all of its contractual obligations, in light of the planned transition to dormancy during 2022. Contracts were either terminated or re-negotiated as appropriate. Information technology services and applications were identified for decommissioning in consultation with internal stakeholders.

Facilities and Assets

The disposal, by sale, destruction, donation or transfer of identified assets following approval by the STL's Property Survey Board took place in both the Beirut and Leidschendam Offices. As a result, in August 2021, the Beirut Office was closed. Preparations for a move to collocate with a sister organisation during the STL's dormant residual phase took place, with a view to achieving efficiencies through service-sharing. In the interim period, the STL's continued presence with a dramatically downscaled footprint at the Leidschendam Headquarters has been made possible with the generous support of The Netherlands.

Reduction of Staffing

2021 saw further drastic staff reductions in July, arising from the STL's financial realities and revised budget. This was followed by subsequent incremental staff reductions corresponding with programmatic milestones, including the closure of the Beirut Office and the reduction of the STL's footprint at its Leidschendam Headquarters, and the conclusion of the Appeals Hearing in the *Prosecutor v. Oneissi and Merhi* proceedings, and at the end of 2021. Further reductions in staffing numbers will be triggered by the issuance of the Appeal Judgment.

Administrative Review

In accordance with the Staff Regulations and Rules ([STL/RB/1/Rev. 5](#)) and relevant Administrative Instruction ([STL/AI/HR/7/Rev.1](#)), the STL's administrative appeals system ensured staff impacted by the restructure and subsequent downsizing in as a result of budgetary processes were afforded with an opportunity to challenge relevant administrative decisions impacting their interests, seeking review from the Registrar and a right to appeal to a Judge for Staff Appeals.

In the reporting period, the Judges for Staff Appeals concluded twelve such staff appeals arising from decisions on request for review by the Registrar, ensuring expeditious, impartial and equitable internal justice processes for impacted staff members, at minimal administrative cost to the Tribunal.

Stakeholder Engagement & External Relations

In 2021, the President and Registrar held 68 bilateral diplomatic meetings with Management Committee donors, Lebanese officials, and other donors, prospective donors, and stakeholders. In addition, the Tribunal continued to pursue its working-level diplomatic contacts.

In the same period, the Principals and representatives of STL Senior Management met with the Management Committee on 15 occasions. The STL has had a positive experience with

videoconferencing. Since the COVID-19 pandemic began, all Management Committee meetings have been held via videoconference, allowing for the participation of all STL Principals. All bilateral diplomatic engagements have either taken place in person in The Hague, or through videoconferencing.

On 16 November 2021, in conjunction with the United Kingdom's Permanent Mission to the United Nations in New York and the United Nations Office of Legal Affairs, the STL Principals conducted a virtual diplomatic briefing to United Nations Member States in New York.

Performance Indicators

In an effort to improve predictability, transparency and oversight capacity, Chambers continued with the roll-out of performance indicators developed to provide useful analytics, while giving due regard to judicial independence, in harmony with the STL's existing reporting frameworks and data collection practices.

Three categories of quantitative performance indicators were adapted for internal use from an earlier initiative to establish performance indicators for comparative application between international criminal tribunals: to measure time certainty, resource use activity at trial and comparative activity between trials. Work to implement the latter two categories as of the opening of the Connected Case trial, as well as a series of qualitative performance indicators, was suspended due to the funding shortfall and consequential reduction and refocusing of available resources.

Time Certainty Indicators have helped to promote forward planning and measure the extent to which different chambers meet key objectives they set for themselves. These indicators help determine and improve the accuracy of judicial timelines, and at the STL, have been shown to increase the effective oversight and management of the proceedings by encouraging the setting of realistic, time-bound targets. Since their pilot in the Appeals Chamber in 2020 and introduction to the Pre-Trial Judge and Trial Chamber II in 2021, STL Chambers have consistently realized key objectives on or ahead of target. This allows the STL to predict with confidence the completion of the *Prosecutor v. Merhi and Oneissi* appeal by the end of June 2022.

Defence Office (DO)

Due to the budget constraints, the DO's staff composition was dramatically reduced in 2021, with nine of the 12 posts in the DO abolished in the course of the year. In addition, the defence team's compositions were also considerably reduced in July 2021 in the Connected Case and in October 2021 in the *Prosecutor v. Merhi and Oneissi* appeal.

In addition to fulfilling its institutional functions alongside the other Organs of the Tribunal as described above, the DO performed the following key activities, but not in a position to perform some of its regular activities such as missions to Lebanon, training to assigned counsel and counsel on the defence list:

- During the first half of 2021, the DO provided legal, operational and financial support to the defence team in the Connected Case to ensure the Defence's preparedness to represent the interests and rights of the accused effectively during the upcoming trial. Following the suspension of the proceedings, the DO handled the termination of contracts of the members of the defence team and provided support for the archiving of the case file. In the *Prosecutor v. Ayyash et al.* case (STL-11-01), the DO provided legal and operational support to the defence teams, notably for the preparation of their responses to the Prosecutor's Appeal Brief and for the Appeal Hearing, as well as the preparation of their case file for archiving.
- The Defence Office also completed the Digest of Case Law of the STL, provided counsel in the Connected Case with the Manual for Defence counsel practising before the STL, both organised and handed over the organisation of the series of roundtables entitled "From Defence to Defence" to the Office of Public Counsel for the Defence of the International Criminal Court, took part to the Inter-University Programme of International Criminal Law and Procedure handed by ITJRC and T.M.C. Asser Institute and to other events organised by the Defence Office's stakeholders, such as the International Gender Champions network and the Association of Defence Counsel practising before the International Courts and Tribunals.
- The DO continued managing the Legal Aid for the Defence and handled the 2021-2022 Defence budget. It had to combine remote and in person working in light of the covid-19 measures applicable at the STL. Additionally, the DO continued the archiving of its digital and physical records in line with the Tribunal's policies and, on an institutional level, contributed to the discussions on the Tribunal's move to a dormancy model.

Budget & Finance

Donor List

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

Australia	France	The Netherlands
Austria	Germany	New Zealand
Belgium	Hungary	Russian Federation
Canada	Ireland	Sweden
Croatia	Italy	North Macedonia
Czech Republic	Japan	Turkey
Denmark	Kuwait	United Kingdom
European Union	Luxembourg	United States
Finland	Morocco	Uruguay

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

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

United Nations Subventions

The STL also extends sincere gratitude to United Nations Member States. The United Nations General Assembly has been instrumental in ensuring funding for the Tribunal's work throughout the reporting period.

On 26 March 2021, the General Assembly appropriated funds to supplement the voluntary financial resources of the STL with respect to the 2021 budget year by way of a subvention ([A/RES/75/253 B](#)).

On 24 December 2021, the General Assembly approved the appropriation of funds with respect to the 2022 budget year, by way of a further subvention ([A/RES/76/246](#)).

Projections of Reasonably Anticipated Income

The STL based its projections for income in 2021 on assumptions of “reasonable expectations” of income discussed with the Management Committee in July and August 2020. The basis for “reasonable expectations” of income included funds due under grant agreements, past regular or revised income, statements/indications by donors and – in the case of Lebanon – international obligations. These projections of reasonably anticipated income formed the basis of the 37% budget reduction achieved in the 2021 budget, the programme of work contained in the Strategic Plan, and the request for a subvention with respect to the 2021 budget. By the beginning of the reporting period, it was apparent that there was a risk that mandatory and voluntary contributions would fall short of reasonably anticipated levels.

Contingency Planning

Owing to the funding difficulties present in the beginning of the reporting period, the STL Principals, in close consultation with the Management Committee, explored possible contingencies that could allow operations to continue in the event that funding fell below the levels required to complete work envisaged in the 2021 Programme & Budget.

Despite the majority of STL staff continuing to work remotely due to the impact of the COVID-19 pandemic, staff were kept apprised of the STL’s financial situation, including through internal Town Hall meetings hosted virtually in June and September 2021.

Emergency Drawdown Planning

In January 2021, the President, Prosecutor, Head of Defence Office, and Registrar identified and presented to the Management Committee the consequences of, and contingencies applicable to, a potential funding shortfall. Subsequently, and at the request of the Management Committee, on 5 March 2021, the Principals presented their plan setting out the key actions required in the event a lack of funding triggered an emergency drawdown process.

The plan addressed essential functions (such as the ongoing handling of witnesses, the protection of evidence and sensitive material) and the processes related to storing and archiving the Tribunal’s records, including, but not limited to court records and other judicial records, holdings of the Office of the Prosecutor, Defence case files and other essential documents.

The steps involved represented the minimum requirements necessary to avoid the risks inherent in an abrupt or chaotic closure, including:

- Loss or destruction of records and evidence that should not be destroyed;
- Compromising the integrity of records and evidence;
- Future difficulty in finding and managing information, records and evidence; and
- Exposing witnesses and victims to risk through errors in the disposition of records, evidence and other holdings.

Budgetary Review

Owing to the efficiencies introduced into the 2021 budget following the downsizing and restructuring effected in the previous reporting period, a budgetary review requested by the Management Committee revealed little room for further reductions if planned operations were to continue in line with the Strategic Plan 2021-2022. Nevertheless, modest efficiencies were identified where operational needs had changed, for instance, as a result of the Appeals Chamber's finding that the notice of appeal filed by the Defence for Mr Ayyash in the STL-11-01 case was inadmissible.

Financial Forecasting

In parallel to the budgetary review, the Principals prepared a detailed forecast of costs-to-completion associated with different aspects of STL's programme of work. This exercise provided the Management Committee with a clear financial overview of the funding deficit the Tribunal would need to overcome so as to complete the *Prosecutor v. Merhi and Oneissi* appeal and all phases of the Connected Case trial proceedings by the end of the mandate on 28 February 2023.

Scenario Planning Exercise

The Principals also presented three alternative financial scenarios to the Management Committee. This scenario planning exercise provided key donors with greater insight as to cost-structure and operational requirements associated with the STL's remaining core work: the *Prosecutor v. Merhi and Oneissi* appeal; the trial in the Connected Case; and the work required to ensure an orderly, cost-efficient handover to residual phase tasked with overseeing the residual functions remaining after the Tribunal's closure.

Funding Shortfall

By the end of June 2021, discussions with key donors and the Management Committee revealed that the funding likely available to the STL would be insufficient to sustain ongoing operations until the completion of its mandate. This was despite the 37% cut achieved to the 2021 budget versus 2020 levels, and predictions of further budgetary reductions projected for remaining future budget cycles. Meanwhile, and as a result of this financial uncertainty, some donors committed funds specifically for the purpose of the STL's orderly drawdown and completion. These amounts could not be used to fund ongoing judicial activity.

In filings submitted to the STL Judges on 1 June 2021, and in order to meet his obligations to administer and service the STL, the Registrar stated that he has no choice but to (a) activate a process of separation of staff across the Tribunal, in accordance with the Staff Regulations and Rules, and (b) initiate drawdown activities related to the protection of witnesses and securing the Tribunal's records, evidence and sensitive material.

The President, Prosecutor, Head of Defence Office and Registrar formally notified United Nations Secretary-General of the financial situation that threatened the STL's ability to complete its work if no contributions were forthcoming prior to the end of July 2021. The STL nevertheless continued its efforts to raise the funds required to carry on its work, calling upon past and prospective donors in the international community for continued support.

Revised 2021 Expenditure Plan

On 17 June 2021, the Management Committee requested the Registrar to prepare a revised 2021 budget and an initial plan for proposed expenditure in 2022. The revised budget was to cater for the completion of the *Prosecutor v. Merhi and Oneissi* appeal in accordance with the Appeals Chamber's commitment to issuing its judgement by no later than July 2022, and the simultaneous drawdown of the STL to a residual dormancy phase. Consequently – and following consultations with the President, Prosecutor and Head of Defence Office – the Registrar submitted a Revised Expenditure Plan (2021) and Budget Plan (2022).

The revised expenditure plan introduced radical changes to the staffing and support services. This was possible due to a number of steps taken to reduce cost and increase efficiency, including but not limited to:

- A commitment to instate remote working for staff whose functions permitted it indefinitely, following the success of the Tribunal's transition to a predominantly remote working environment as a result of the COVID-19 pandemic.
- A commitment to identifying service-sharing arrangements with another institution.

- A dramatic reduction in translation and other support services.
- The immediate closure of the Beirut Office.
- The abolition of virtually all travel for STL officials and staff, replaced by the standardized use of video-conferencing technology.

The Management Committee approved the Revised Expenditure Plan (2021) and Budget Plan (2022) for Appeal and Transition on 19 July 2021. By late July, the STL received confirmation of pledged funding sufficient to finance the Revised Expenditure Plan.

2022 Budget Strategy

In August 2021, the Tribunal submitted its draft 2022 budget, representing an approximately 80% reduction versus the 2021 Approved Programme & Budget.

The proposal set out funding for a minimal skeletal structure and associated non-staff costs required in 2022 to:

- Complete the *Prosecutor v. Merhi and Oneissi* (STL-11-01) appeal by the end of July 2022.
- Drawdown the STL's operations as it transitions to a dormant state by the same date; and
- Secure the performance of Tribunal's residual functions as agreed between the United Nations and the Government of Lebanon. The residual functions will be primarily limited to the management and preservation of the records and archives of the Tribunal, assistance to national authorities and responses to requests for information, and the protection and support of victims and witnesses and they will be performed under a dormant structure.

The 2022 Programme & Budget, which was approved by the Management Committee on 23 August 2021, is comprised of two components. Approximately 83% was allocated for the seven months from January 2022 for the purpose of completing the appeal and transition process, while the remaining portion is intended to operationalize a residual dormant phase.

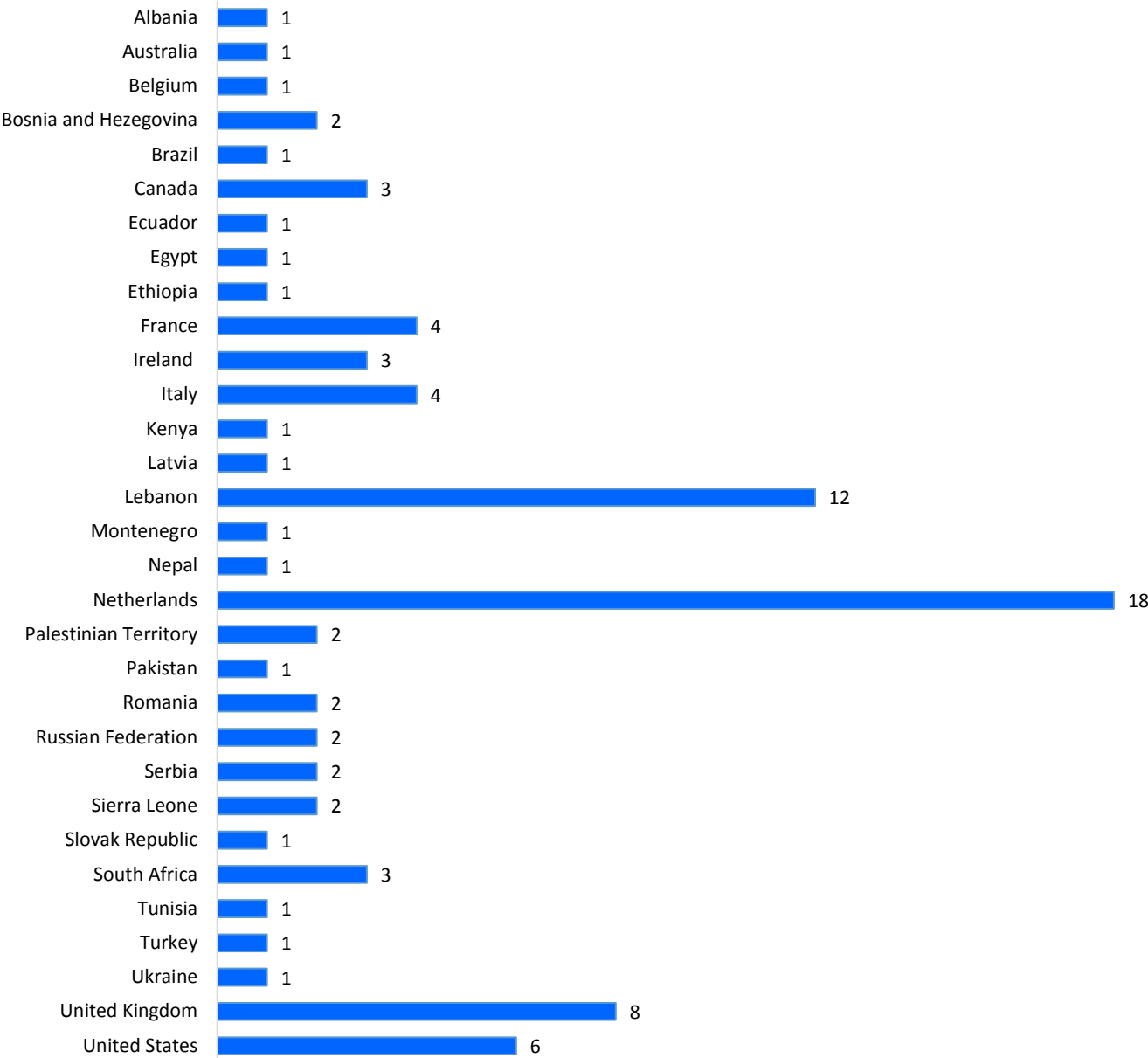
In early 2022, the STL Principals presented revised cost estimates to the Management Committee, updated in light of efficiencies realized in the timing and staffing requirements associated with the issuance of the *Prosecutor v. Merhi and Oneissi* Appeal Judgment. The 2022 budget thus reflects the absolute minimum requirements necessary for the completion of the appeal and an orderly transition to the residual phase.

Staffing Tables

Geographical Representation (as of 31 December 2021)

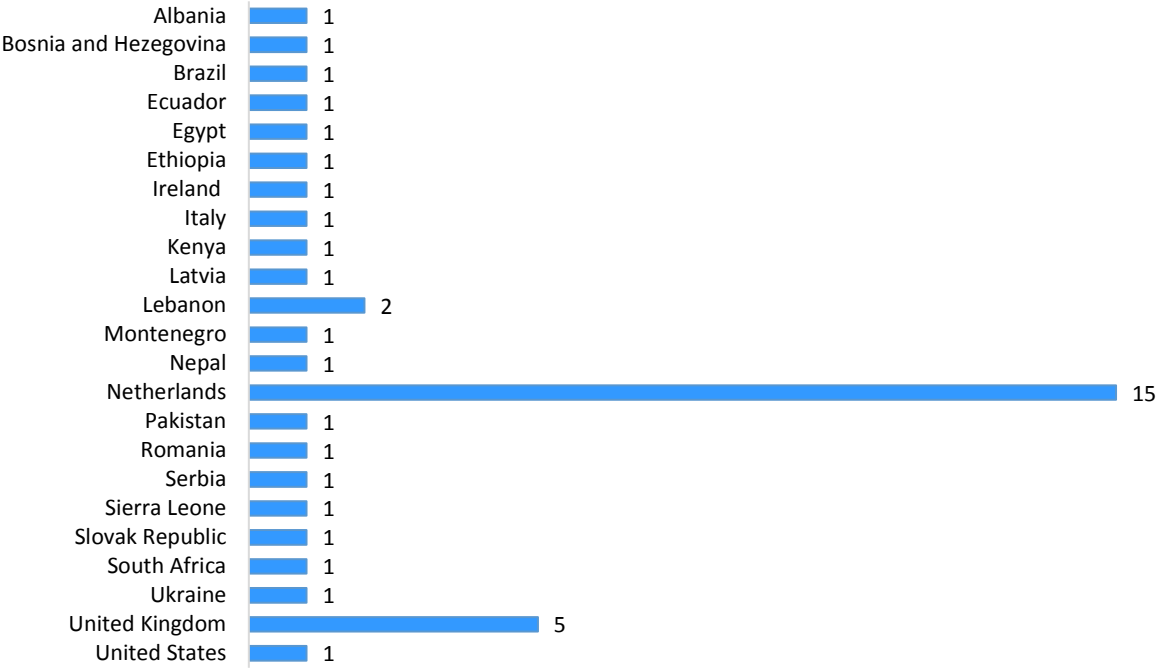
Staff at the General Service, Professional and Higher Categories

Thirty-one countries were represented amongst the STL's 89 staff members.



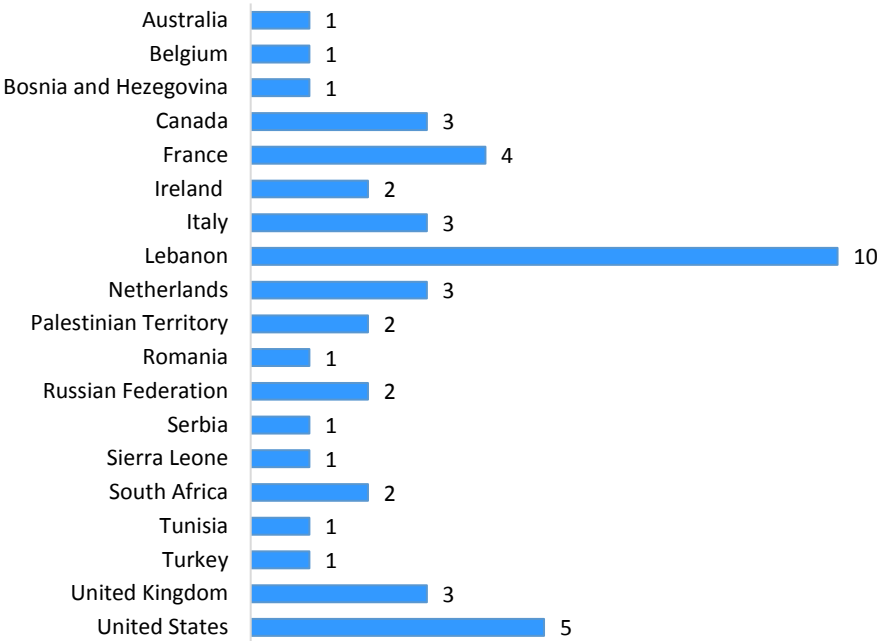
General Service Staff

Twenty-three countries were represented among the STL’s 42 General Service staff.



Staff at the Professional Level and Higher Categories

Nineteen countries were represented by the STL’s 47 staff at the Professional Level and Higher Categories.

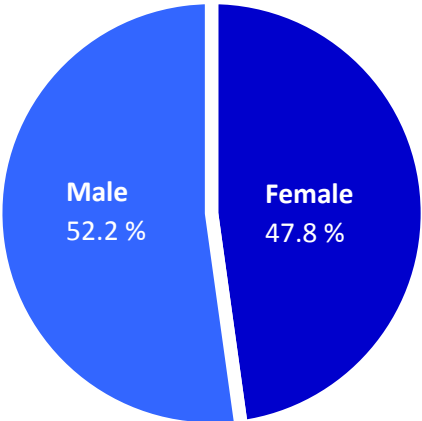


Gender statistics

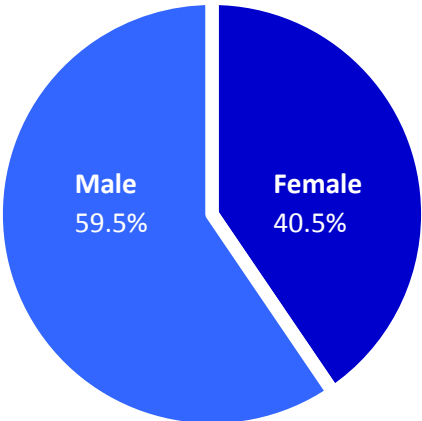
As of the end of December 2021, the STL employed 89 staff members. The gender distribution across all staff is 47.8 % female and 52.2% male. 53.2 % of Professional and Higher Category staff and 40.5 % of General Service staff are female compared to 46.8 % and 59.5 % that are male.

At the top levels of management, the STL has an equal distribution of males and females amongst its four Principals. Four of the STL judges are women, and the remaining seven are men.

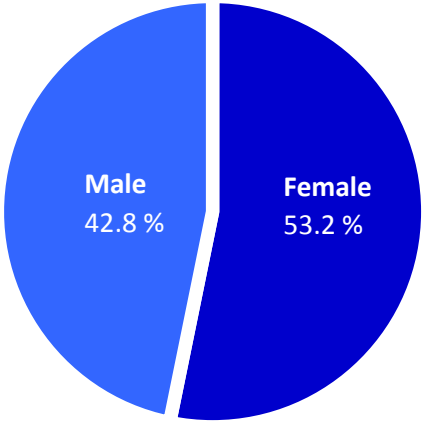
**All Staff
as of 31 December 2021**



**General Service Staff
as of 31 December 2021**



**Professional and Higher Category Staff
as of 31 December 2021**



Directory

Chambers

Appeals Chamber

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

Trial Chamber II

Nicola Lettieri (Presiding)	Italy
Walid Akoum	Lebanon
Anna Bednarek	Poland

Alternate Judges

Janet Nosworthy	Jamaica
Micheline Braidy	Lebanon

Pre-Trial Judge

Daniel Fransen	Belgium
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Office of the Prosecutor

Prosecutor

Norman Farrell	Canada
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Deputy Prosecutor

Jocelyn F. Tabet	Lebanon
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Defence Office

Head of Defence Office

Dorothee Le Fraper du Hellen	France
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Deputy Head of Defence Office

Héleyn Uñac	France
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Registry

Registrar

David Tolbert	USA
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