



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE PRESIDENT

Case No: STL-18-10/I/PRES
Before: Judge Ivana Hrdličková, President
Registrar: Mr Daryl Mundis
Date: 24 September 2019
Original language: English
Classification: Public

THE PROSECUTOR

v.

SALIM JAMIL AYYASH

ORDER PURSUANT TO RULE 76 (E)

Prosecutor:
Mr Norman Farrell

Head of Defence Office:
Ms Dorothee Le Fraper du Hellen

The authorities of the Lebanese Republic



I. INTRODUCTION

1. In my capacity as President of the Special Tribunal for Lebanon (“STL” or “Tribunal”), I order that the service of process in *Prosecutor v. Salim Jamil Ayyash*, Case No. STL-18-10, be effected in an alternative manner, including procedures of public advertisement, pursuant to Rule 76 (E) of the Tribunal’s Rules of Procedure and Evidence (“Rules”). My decision to order service in an alternative manner is based on my finding that reasonable attempts have been made to effect personal service on the accused in this case, and those efforts have been unsuccessful to date.

II. PROCEDURAL BACKGROUND

2. On 5 August 2011, following a request from the Prosecutor, the Pre-Trial Judge established the Tribunal’s jurisdiction over the three attacks carried out in Lebanon—the 1 October 2004 attack against Mr Marwan Hamade, the 21 June 2005 attack against Mr Georges Hawi, and the 12 July 2005 attack against Mr Elias El-Murr—by finding them “connected” to the 14 February 2005 attack against Mr Rafic Hariri, pursuant to Article 1 of the Tribunal’s Statute.¹

3. On 15 May 2019, the Pre-Trial Judge rendered a decision confirming, in part, an indictment submitted by the Prosecutor on 14 December 2018 against Mr Salim Jamil Ayyash (“Mr Ayyash” or “the Accused”) in relation to the abovementioned attacks.² In that decision, the Pre-Trial Judge ordered the Prosecutor to file a revised version of the indictment incorporating a number of amendments.³

4. Following exchanges between the Pre-Trial Judge and the Prosecutor, the latter filed a revised version of the indictment on 7 June 2019,⁴ and a second revised version of the

¹ STL, STL-18-10/I/PTJ, F0031, Public Redacted Version of “Decision on the Prosecutor’s Connected Case Submission of 30 June 2011” of 5 August 2011, 16 September 2019.

² STL, *Prosecutor v. Ayyash*, STL-18-10/I/PTJ, F0003, *Version publique expurgée de la « Décision relative à l’examen de l’Acte d’accusation du 14 décembre 2018 établi à l’encontre de M. Salim Jamil Ayyash » datée du 15 mai 2019*, 16 September 2019 (“Decision of 15 May 2019”). All further references to filings and decisions relate to this case number unless otherwise stated.

³ *Id.*, Disposition, p. 53.

⁴ F0009, Public Redacted Version of Prosecution’s Submissions following the 15 May 2019 “Decision on the Review of the Indictment of 14 December 2018 Issued against Mr Salim Jamil Ayyash” and Request Seeking Leave to Amend the Confirmed Indictment dated 7 June 2019, 20 September 2019.

indictment on 14 June 2019.⁵ In a decision of 19 June 2019, the Pre-Trial Judge stated, *inter alia*, that the second revised version of the indictment annuls and replaces the indictment of 14 December 2018, and ordered the Prosecutor to file a signed, confidential redacted version of the indictment, with a view to it being served on the Accused.⁶

5. On 20 June 2019, the Pre-Trial Judge issued a warrant of arrest for Mr Ayyash—including a transfer and detention request—directed to the Lebanese authorities,⁷ and an international arrest warrant directed to all States.⁸ The arrest warrant transmitted to Lebanon specifically requested “the competent authorities of the Lebanese Republic to search for and arrest in any place where he might be found in the territory of the Lebanese Republic, to detain and transfer to the Headquarters of the Tribunal: [Mr Ayyash]”.⁹ The international arrest warrant invited the competent authorities of all States to do likewise, and requested the General Secretariat of INTERPOL to issue and circulate INTERPOL notices of all types, including red notices, relating to the Accused.¹⁰

6. On 4 July 2019, following instructions from the Pre-Trial Judge¹¹ and pursuant to Rule 76, the Registrar transmitted the indictment, arrest warrant, and associated materials to Lebanon, the State of nationality and last known place of residence of the Accused, to effect personal service on Mr Ayyash.¹² Pursuant to Rule 76 (C), the Registrar requested the Acting Prosecutor General of the Lebanese Court of Cassation (“Acting Prosecutor General”), Judge Imad Kabalan, to report to the STL President on the measures taken to serve the indictment and associated documents no later than 30 days from receipt of the relevant documents.

⁵ F0012, Public Redacted Version of Request Seeking Leave to Further Amend the Confirmed Indictment, Provision of the Proposed Amended Version of the Redacted Indictment for Service on the Accused, and Notification dated 14 June 2019, 20 September 2019.

⁶ F0015, *Version publique expurgée de la « Décision relative à la version de l'Acte d'accusation du 14 juin 2019 et aux pièces déposées en application de la décision du 15 mai 2019 » datée du 19 juin 2019*, 16 September 2019 (“Decision of 19 June 2019”).

⁷ F0017, Warrant to Arrest Mr Salim Jamil Ayyash Including Transfer and Detention Request, 20 June 2019 (“Warrant to Arrest”).

⁸ F0018, International Warrant to Arrest Mr Salim Jamil Ayyash Including Transfer and Detention Request, 20 June 2019 (“International Warrant to Arrest”).

⁹ Warrant to Arrest, p. 5.

¹⁰ International Warrant to Arrest, pp 6-7.

¹¹ F0019, *Mémoire interne du Juge de la mise en état adressé au Greffier du Tribunal, Signification de documents dans l'affaire 18-10-I-PTJ*, Confidential, 20 June 2019.

¹² The associated materials consisted of a copy of the statutory provisions and rules relevant to the execution of the warrant, including a statement of the rights of the Accused. F0022, Corrected Version of the “Registrar’s Submission Pursuant to Rule 48(C) Reporting to the Pre-Trial Judge on the Service of the Redacted Indictment of 14 June 2019 and the Warrant to Arrest of 20 June 2019” of 24 July 2019, Public with Confidential annexes, 8 August 2019 (“Registrar’s Submission to the Pre-Trial Judge”).

7. On 2 August 2019, the Minister of Justice of the Government of Lebanon transmitted correspondence from the Acting Prosecutor General reporting on the unsuccessful attempts to execute the arrest warrant and serve the indictment and associated materials upon Mr Ayyash. This correspondence enclosed two reports prepared by the Lebanese Judicial Police (Report No. 8105/302, dated 8 July 2019, and Report No. 8997/302, dated 1 August 2019) detailing the measures undertaken to locate the Accused.¹³

8. The Judicial Police informed the Acting Prosecutor General that by 14:30 on 1 August 2019, they had been unable “to execute the arrest warrant and to perform the requested service of documents on the Accused at the mentioned addresses due to the fact that they could not find him”.¹⁴

9. On 9 August 2019, I sought further assistance from the Lebanese authorities in obtaining additional information related to Mr Ayyash. The correspondence I received from the Acting Prosecutor General, dated 27 August 2019¹⁵ and 6 September 2019¹⁶, contained all the requested information.

10. On 12 September 2019, I consulted the Pre-Trial Judge in relation to my intention to order the service of process in an alternative manner including by procedures of public advertisement, pursuant to Rule 76 (E), and thus in relation to lifting the confidentiality of the proceedings in Case No. STL-18-10. On 13 September 2019, the Pre-Trial Judge shared with me that he has no objections to lifting the confidentiality of the proceedings subject to the necessary redactions being made.

11. On 16 September 2019, the Pre-Trial Judge issued an order lifting the confidentiality of the proceedings¹⁷ and filed public redacted versions of, *inter alia*, his decisions of

¹³ F0026, Registrar’s Submission Pursuant to Rule 48(C) Reporting to the President on the Response Received from the Government of the Lebanese Republic to the Pre-Trial Judge’s Warrant to Arrest Mr Salim Jamil Ayyash Including Transfer and Detention Request, Confidential with Confidential and *Ex Parte* annex, 9 August 2019 (“Registrar’s Submission to the President on the Response of the Lebanese Government to the Warrant to Arrest”).

¹⁴ *Id.*, Annex to the “Registrar’s Submission Pursuant to Rule 48(C) Reporting to the President on the Response Received from the Government of the Lebanese Republic to the Pre-Trial Judge’s Warrant to Arrest Mr Salim Jamil Ayyash Including Transfer and Detention Request”, Confidential, p. 24.

¹⁵ STL, *Prosecutor v. Ayyash*, STL-18-10/I/PRES, F0028, Registrar’s Submission Pursuant to Rule 48(C) Reporting to the President on the Transmission of Correspondence Between the President and the Government of the Lebanese Republic, Confidential with Confidential and *Ex Parte* annexes, 12 September 2019, (“Registrar’s Submission to the President on the Transmission of Correspondence”), Annex D.

¹⁶ *Id.*, Annex E.

¹⁷ F0030, *Ordonnance relative à la levée de la confidentialité de l’Acte d’accusation du 14 juin 2019 et d’autres documents afférents*, Public with Confidential and *Ex Parte* Annex, 16 September 2019.

15 May 2019¹⁸ and 19 June 2019¹⁹, and made public the arrest warrants for Mr Ayyash.²⁰ On the same day, the Prosecutor filed a public redacted version of the indictment.²¹

12. On 17 September 2019, I issued a public statement directed to Mr Ayyash, his family, friends and close associates, as well as the wider public. The statement, *inter alia*, informs Mr Ayyash of his rights and urges him to cooperate with the Tribunal.²²

III. APPLICABLE LAW

13. Article 15 (2) of the Agreement between the United Nations and Lebanon²³ states that the Lebanese Government:

[...] shall comply without undue delay with any request for assistance by the Special Tribunal or an order issued by the Chambers, including, but not limited to:

- (a) Identification and location of persons;
- (b) Service of documents;
- (c) Arrest or detention of persons;
- (d) Transfer of an indictee to the Tribunal.

14. The procedure for serving an indictment on an accused is specified in Rule 76 of the Rules, titled “Service of Indictment”. That Rule provides in relevant part:

(A) The indictment, certified in accordance with Rule 68, shall be formally provided to the authorities of the State in whose territory the accused resides or was last known to be residing, or in whose territory or under whose jurisdiction he is believed likely to be found, in order to serve the indictment on the accused without delay.

(B) Personal service of an indictment on the accused is effected by giving the accused a copy of the indictment, together with the summons to appear or the warrant of arrest.

[...]

¹⁸ Decision of 15 May 2019.

¹⁹ Decision of 19 June 2019.

²⁰ Warrant to Arrest, International Warrant to Arrest.

²¹ F0012, Notice of Provision of the Public Redacted Version of the Indictment of 14 June 2019, 16 September 2019.

²² See Statement of Judge Ivana Hrdličková, President of the Special Tribunal for Lebanon, 17 September 2019, <https://www.stl-tsl.org/en/media/press-releases/statement-of-judge-ivana-hrdlickova-president-of-the-special-tribunal-for-lebanon>.

²³ Agreement between the United Nations and the Lebanese Republic on the establishment of a Special Tribunal for Lebanon, Annex to United Nations Security Council Resolution S/RES/1757 (2007). See also Rule 82 (A): “[...] where a summons to appear, a warrant of arrest or a transfer order is transmitted to Lebanon [...], the national authorities shall act promptly and with all due diligence to ensure the proper and effective execution thereof.”

(E) Where the President establishes that reasonable attempts have been made to serve the indictment, the summons to appear or the warrant of arrest to the accused, but that they have failed, he may, after consulting the Pre-Trial Judge, order the service of process to be effected in an alternative manner, including procedures of public advertisement.

15. The “procedures of public advertisement” referred to in Rule 76 (E) are elucidated in Rule 76 *bis* (Advertisement of Indictment), which provides:

In keeping with the President’s order made under Rule 76 (E), a form of advertisement shall be transmitted by the Registrar to the authorities of any relevant State or entity for publication in newspapers and/or for broadcast via radio, television and/or other media, including the internet, providing notification to the public of the existence of an indictment and calling upon the accused to surrender to the Tribunal or in any case to submit to its jurisdiction. The advertisement shall invite any person with information as to the whereabouts of the accused to communicate that information to the Tribunal.

16. If within 30 days from the advertisement referred to in Rule 76 *bis* the accused is not under the Tribunal’s authority, the Pre-Trial Judge shall ask the Trial Chamber to initiate proceedings *in absentia* pursuant to Rule 105 *bis*. Trials *in absentia* before the Tribunal are governed by Article 22 of the Statute and Rules 105 *bis* to 109 of the Rules.

17. In the context of this decision, I also note that the Lebanese Code of Criminal Procedures (“LCCP”) envisions two steps in the service of legal documents and decisions. Pursuant to Article 147 of the LCCP:

[...]

The person serving a document shall execute the instructions received without delay and do his utmost to notify the addressee in person.

[...]

If the person to be served with a document is not present at his place of residence or domicile, the document shall be served through a member of his family, a domestic employee or any other person living in the same dwelling provided that it may be inferred from his appearance that he is an adult. A further condition is that his interest does not conflict with that of the addressee of the document. If he refuses to state his name and relationship with the addressee, or to acknowledge receipt of a copy of the document, the process server shall record his refusal and shall leave a copy of the document with him. [STL draft translation]

18. If service cannot be effected through the usual means, the LCCP lists the steps to be taken in order to consider that a person has been duly served. In this regard, Article 148 of LCCP states:

If the person to be served with a document has no known place of residence or domicile, or if the process server does not find anyone who can be served with the document at his place of residence or domicile, he shall be notified through the posting of a copy of the document at the entrance to his last known place of residence; a second copy thereof shall be communicated to the local mayor, and a third copy shall be posted at the entrance to the judicial authority that

ordered the notification. These measures shall be recorded by the process server on the original copy of the document which shall be returned to the relevant authority.

If the person to be served with a document has no known last place of residence, it shall suffice for the process server to post a copy of the document at the entrance to the judicial authority that ordered the notification. [STL draft translation]

IV. ANALYSIS

A. Preliminary remark

19. I recall that Mr Ayyash is one of the accused in the main case before this Tribunal, *Prosecutor v. Salim Jamil Ayyash, Hussein Hassan Oneissi, Assad Hassan Sabra and Hassan Habib Merhi* (“*Prosecutor v. Ayyash et al.*”), Case No. STL-11-01, in which a determination to conduct the proceedings *in absentia* has already been made.²⁴ The status of Mr Ayyash as a fugitive from the jurisdiction of the Tribunal is ongoing and the Lebanese authorities continue their efforts to apprehend him, as is evident from the monthly reports provided by the Lebanese Prosecutor General.

20. However, the proceedings in the Case No. STL-18-10 are distinct. Consequently, the Accused has the right to be notified of the new charges against him in this separate case and the entire procedure for effecting service prescribed by the Rules must be followed.

B. Reasonable attempts to effect service of the indictment and arrest warrant

21. The responsibility for effecting service lies both with the Tribunal, as well as with the national authorities tasked with implementing the Tribunal’s orders.²⁵

22. The primary consideration before issuing an order pursuant to Rule 76 (E) is whether “reasonable attempts have been made to serve the indictment [...] or the warrant of arrest” on the accused. The standard of “reasonable attempts” must be understood in light of the possibility that the Tribunal may ultimately conduct a trial in the absence of the accused.²⁶ An

²⁴ STL, *Prosecutor v. Ayyash et al.*, STL-11-01/I/TC, F0112, Decision to Hold Trial *In Absentia*, 1 February 2012 (“*In Absentia* Decision”).

²⁵ See also STL, *Prosecutor v. Ayyash et al.*, STL-11-01/I/PRES, F0038, Order Pursuant to Rule 76 (E), 18 August 2011 (“*Ayyash et al.* Rule 76 (E) Order”), paras 5, 19.

²⁶ *Id.*, para. 14. The “reasonable attempts” standard in Rule 76 (E) does not require that “all reasonable” attempts be made to serve the indictment; the formulation “all reasonable steps have been taken to secure [the accused’s] presence before the Tribunal”, in Rule 106 (A) (iii), applies only to the subsequent assessment of the Trial Chamber as to whether or not the accused has absconded or otherwise cannot be found, as a precondition to holding a trial *in absentia*, under that rule. See STL, *Prosecutor v. Merhi*, STL-13-04/I/PRES, F0013, Order

order under Rule 76 (E) is thus the first in a series of pre-conditions in the Rules to conducting a trial *in absentia*. It therefore requires meaningful efforts to effect service on the person of the accused.²⁷

23. What constitutes “reasonable attempts” is to be assessed in light of the totality of the prevailing circumstances of each case.²⁸

24. I recall that in *Prosecutor v. Ayyash et al.* the criterion was found to be satisfied on the basis of the reasonable efforts undertaken by the Tribunal,²⁹ as well as reasonable efforts undertaken by the Lebanese authorities in satisfaction of Article 147 of the LCCP.³⁰ In *Prosecutor v. Hassan Habib Merhi*, Case No. STL-13-04, the “reasonable attempts” criterion was found to be satisfied on the basis of reasonable efforts undertaken by the Tribunal,³¹ and a variety of activities undertaken by the Lebanese Judicial Police to locate, arrest, and serve the accused,³² the reasonableness of which was assessed against various contextual factors.³³

25. As to the assessment of whether reasonable attempts have been made in this case, I first note the efforts undertaken by the Tribunal in this respect, namely:

Pursuant to Rule 76 (E) *with confidential and ex parte annexes*, 10 October 2013 (“*Merhi* Rule 76 (E) Order”), para. 25.

²⁷ See *Ayyash et al.* Rule 76 (E) Order, para. 16.

²⁸ See *Merhi* Rule 76 (E) Order, para. 29. Cf. *In Absentia* Decision, para. 28.

²⁹ These included: (i) the timely transmission of the indictment and warrants of arrest to Lebanon; (ii) the limited disclosure of the indictment by the Prosecutor to the Lebanese authorities; (iii) the issuance of international arrests warrants and the provision to INTERPOL of the information necessary for the release of “red notices”; and (iv) the dissemination of information about the existence of the indictment and the identities of the accused through the media following the partial lifting of confidentiality. See *Ayyash et al.* Rule 76 (E) Order, para. 17.

³⁰ Such efforts included: (i) the conducting of surveillance; (ii) interviews with alleged associates of the accused; (iii) visits to localities where the accused were believed to have connections; (iv) meetings with the mayors of those localities; and (v) the canvassing of relevant neighborhoods for people with information about the accused. See *Ayyash et al.* Rule 76 (E) Order, para. 18.

³¹ These included: (i) the transmission of the indictment and arrest warrant to the Lebanese Prosecutor General; (ii) the maintenance of confidentiality of the indictment to give the Lebanese authorities maximal opportunities to apprehend the accused; and (iii) additional steps taken by the Pre-Trial Judge to locate the accused. See *Merhi* Rule 76 (E) Order, para. 31.

³² Such efforts included: (i) attempts to locate the accused by visits to his last known places of residence; (ii) unsuccessful efforts in seeking information about the accused and his whereabouts from persons who might have such knowledge; and (iii) unsuccessful attempts to locate the accused prior to the issuance of an indictment against him, at which time he was sought as a witness. See *Merhi* Rule 76 (E) Order, para. 32.

³³ These contextual factors included: (i) the difficulty faced by Lebanese authorities in serving those charged with the attack of 14 February 2005; (ii) the likelihood that the inability to locate the accused was not due to a lack of reasonable attempts to do so; and (iii) the prevailing security situation in Beirut and elsewhere in Lebanon in the months following the first attempts to locate the accused. See *Merhi* Rule 76 (E) Order, paras 33-34.

- (i) The transmission of the indictment and arrest warrant by the Registrar to the Acting Prosecutor General without delay;³⁴
- (ii) The Tribunal's maintenance of the indictment's confidentiality, which has given the Lebanese authorities maximal opportunities to apprehend the Accused; and
- (iii) The issuance of an international arrest warrant and the provision to INTERPOL of the information necessary for the issuance of a Red Notice.

26. As to the efforts made by the Lebanese authorities, the Judicial Police have undertaken a variety of activities to locate, arrest, and serve the Accused. Specifically, the Judicial Police:

- (i) Promptly issued and circulated a search and investigation notice against Mr Ayyash;
- (ii) Investigated five addresses associated with the Accused;
- (iii) Between 9 July 2019 and 1 August 2019, carried out twelve operations of surveillance of localities where the Accused is believed to have connections (his last known place of residence, the residence of his family, the residence of his brother, the store of his late father which is run by his brothers);
- (iv) Conducted searches and investigations in the vicinity of his past place of work;
- (v) Canvassed relevant neighbourhoods for people with potential information about the Accused; and
- (vi) Met with and took statements of three mayors of relevant localities, who stated that they do not know where Mr Ayyash resides and that he has not requested any administrative paperwork from them.³⁵

³⁴ Registrar's Submission to the Pre-Trial Judge.

³⁵ Registrar's Submission to the President on the Response of the Lebanese Government to the Warrant to Arrest.

27. At my request for additional information pertinent to the assessment of reasonableness under Rule 76 (E), the Acting Prosecutor General provided documents³⁶ indicating, *inter alia*, that Mr Ayyash is registered as being alive, namely:

- (i) An administrative copy of a Family Personal Status Extract for “Salim Jamil Ayyash”, as extracted from the Civil Register of Harouf No. 197, dated 21 August 2019;
- (ii) An Individual Personal Status Extract for “Salim Jamil Ayyash”, as extracted from the Civil Register of Harouf No. 197, dated 21 August 2019;
- (iii) A copy of the lists of voters for Harouf, since the year 2016, in which the name “Salim Jamil Ayyash” appears; and
- (iv) A true copy of an ID application form which was used to issue an ID for Salim Jamil Ayyash”, bearing No. 2794741.

28. The Acting Prosecutor General further provided a note issued by the competent authorities, indicating that no travel movement into or out of Lebanon was detected for the Accused between 1 January 2011 and 26 August 2019.³⁷

29. Also relevant to the assessment of the reasonableness of the attempts are the ongoing and regular efforts made by the Lebanese authorities to locate and arrest Mr Ayyash in the context of the *in absentia* proceedings against him before this Tribunal in *Prosecutor v. Ayyash et al.*, Case No. STL-11-01.

30. In the instant case, the attempts made so far to serve the indictment, arrest warrant and associated materials on the Accused have not resulted in his personal service and have thus “failed” within the meaning of Rule 76 (E). The efforts nonetheless amount to reasonable attempts to effect service.

31. I am grateful to the Acting Prosecutor General and the Lebanese Judicial Police for their efforts so far to locate Mr Ayyash. I stress that, without the cooperation of States, and Lebanon in particular, the Tribunal cannot achieve the important mission with which it is

³⁶ Registrar’s Submission to the President on the Transmission of Correspondence, Annex D.

³⁷ *Id.*, Annex E.

vested. It is therefore critical that the Lebanese authorities expand and intensify their efforts to locate and effect service of process on the Accused.

C. Service of process to be effected in an alternative manner

32. The standard of reasonable attempts under Rule 76 (E) being met, alternative means of service, including public advertisement, should now be pursued in order to attempt to notify the Accused of the proceedings against him.

33. Consequently, it is appropriate for the Registrar to identify and effectuate alternative means of service. Such means may include, but are not limited to, the transmission of an advertisement “to the authorities of any relevant State or entity for publication in newspapers and/or for broadcast via radio, television and/or other media, including the internet”, pursuant to Rule 76 *bis*. Means of transmission via the internet may include publication via social media and online news sources.

34. Efforts to effect service of process on the Accused will also benefit from the assistance of the Lebanese authorities, as the “relevant State” for the purpose of Rule 76 *bis*, to aid the Registrar with the prompt dissemination of any public advertisement under that Rule. All procedures for service envisioned under Lebanese law should be utilized for this purpose.

DISPOSITION

FOR THESE REASONS,

PURSUANT TO Article 15 of the Annex to UN Security Council resolution 1757 (2007), Article 10 of the Statute and Rules 76 (E), 76 *bis*, and 82 (A) of the Rules;

I hereby

FIND that reasonable attempts have been made to serve the indictment, arrest warrant and associated materials on Mr Ayyash, but that they have failed, within the meaning of Rule 76 (E);

Having consulted the Pre-Trial Judge,

ORDER that service of process, namely the indictment, be effected by procedures of public advertisement;

ORDER the Registrar to take all reasonable steps to effectuate the transmission of a form of public advertisement to the Lebanese authorities, in particular to the Prosecutor General at the Lebanese Court of Cassation;

ORDER the Lebanese authorities to take all reasonable steps in accordance with, *inter alia*, the relevant Lebanese procedures, to provide notification to the public of the existence of the indictment and call upon Mr Ayyash to surrender to the Tribunal or in any case to submit to its jurisdiction;

ACKNOWLEDGE the efforts of the Lebanese authorities to search for, serve, arrest and detain Mr Ayyash, and to transfer him to the seat of the Tribunal;

REMIND the Lebanese authorities of their continuing obligation of cooperation with the Tribunal and of the need to expand and intensify the efforts to search for, serve, arrest and detain Mr Ayyash, and to transfer him to the seat of the Tribunal;

REQUEST the Lebanese authorities to submit detailed monthly reports, distinct from the monthly reports in Case No. STL-11-01, outlining all efforts undertaken to search for, serve, arrest and detain Mr Ayyash, and to transfer him to the seat of the Tribunal, including any assistance provided in accordance with Rule 76 *bis* and the present order;

REQUEST the Lebanese authorities to submit the requested reports by the 19th day of every month or the next business day should the 19th be a weekend or a holiday, until the indictment has been successfully served on Mr Ayyash and he is in the Tribunal's custody.

Furthermore, I hereby

ORDER the Registrar to consider other means of disseminating the indictment, including in the media and social media, and of calling upon Mr Ayyash to submit himself to the Tribunal's jurisdiction;

ORDER the Registrar to submit two reports to the President and to the Pre-Trial Judge detailing the efforts made to disseminate the indictment through procedures of public advertisement. The first report is to be submitted by 2 October 2019. The second is to be submitted no later than thirty calendar days after the publication of the advertisement and will also include the results of the efforts made.

Done in Arabic, English and French, the English version being authoritative.

Dated 24 September 2019

Leidschendam, the Netherlands



Judge Ivana Hrdličková
President

