



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

**THE PRESIDENT**

**Case No:** STL-18-10/1/PRES  
**Before:** Judge Ivana Hrdličková, President  
**Registrar:** Mr Daryl Mundis  
**Date:** 6 November 2019  
**Original language:** English  
**Classification:** Public

**THE PROSECUTOR**

v.

**SALIM JAMIL AYYASH**

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**ORDER CONVENING TRIAL CHAMBER II**

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**Prosecutor:**  
Mr Norman Farrell

**Head of Defence Office:**  
Ms Dorothee Le Fraper du Hellen



## I. INTRODUCTION

1. In my capacity as President of the Special Tribunal for Lebanon (“Tribunal”), I hereby convene the second Trial Chamber of the Tribunal (“Trial Chamber II”), comprising the judges specified below, serving when required to perform their duties, in the case of *Prosecutor v. Salim Jamil Ayyash* (“*Prosecutor v. Ayyash*”), Case No. STL-18-10.

## II. BACKGROUND

2. On 24 September 2019, I issued an order pursuant to Rule 76 (E) of the Tribunal’s Rules of Procedure and Evidence (“Rules”),<sup>1</sup> which set in motion the process of public advertisement of the indictment in *Prosecutor v. Ayyash* in accordance with Rule 76 *bis* of the Rules.

3. On 27 September 2019, the Registrar served the Rule 76 (E) Order on the Minister of Justice of the Government of the Lebanese Republic and the Prosecutor General at the Lebanese Court of Cassation (“Prosecutor General”).<sup>2</sup> By way of letter received by the Tribunal on 29 October 2019, the Prosecutor General advised of efforts taken by the Lebanese authorities to effect service on the Accused, Mr Salim Jamil Ayyash (“Accused”). At the time of issuing this order, the Accused remains at-large.

4. The United Nations (“UN”) Secretary-General has now appointed Judge Anna Bednarek as a Judge of Trial Chamber II on an *ad hoc* basis (serving when required to perform her duties) until any proceedings assigned to the second Trial Chamber reach the trial phase.<sup>3</sup> The UN Secretary-General has also appointed Judges Walid Akoum and Nicola Lettieri as Judges of Trial Chamber II, in addition to their current appointment as Alternate Judges to the Trial Chamber, which is seized of *Prosecutor v. Salim Jamil Ayyash, Hussein Hassan Oneissi, Assad Hassan Sabra and Hassan Habib Merhi*, Case No. STL-11-01.<sup>4</sup>

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<sup>1</sup> F0039, Order Pursuant to Rule 76 (E), 24 September 2019 (“Rule 76 (E) Order”).

<sup>2</sup> F0040, Registrar’s Submission Pursuant to Rule 48(C) in Response to the President’s ‘Order Pursuant to Rule 76(E)’ of 24 September 2019, 2 October 2019, para. 3.

<sup>3</sup> Judge Bednarek accepted her appointment on 3 November 2019.

<sup>4</sup> Judges Akoum and Lettieri accepted their appointments to Trial Chamber II on 4 November 2019.

### III. DISCUSSION

5. The Rules require that certain procedure during the pre-trial phase be disposed of by the Trial Chamber. This necessitates convening a trial chamber for this purpose.

6. Article 2 (2) of the Agreement between the UN and Lebanon foresees the creation of a second Trial Chamber “after the passage of at least six months from the commencement of the functioning of the Special Tribunal” if so requested by the Secretary-General or the President of the Special Tribunal.<sup>5</sup> Article 2 (3) of the Agreement, in relevant part, specifies the requisite composition of the second Trial Chamber as follows:

[...]

- (b) Three judges shall serve in the Trial Chamber, of whom one shall be a Lebanese judge and two shall be international judges;
- (c) In the event of the creation of a second Trial Chamber, that Chamber shall be likewise composed in the manner contained in subparagraph (b) above; [...]<sup>6</sup>

7. I consider it appropriate to convene the second Trial Chamber for the purposes of hearing any future proceedings before the Trial Chamber in *Prosecutor v. Ayyash*.

8. Moreover, Article 17 of the Agreement emphasizes “achieving efficiency and cost-effectiveness in the operation of the Special Tribunal”. Pursuant to paragraph (b) of that article, Judges, other than the Pre-Trial Judge, take office on a date to be determined by the UN Secretary-General in consultation with the President of the Tribunal. Pending such a determination, Judges “shall be convened on an ad hoc basis to deal with organizational matters and serving, when required, to perform their duties”.

9. In light of the above, I convene Trial Chamber II, comprising Judges Akoum, Lettieri and Bednarek, serving as required to perform judicial work during the pre-trial phase of the *Prosecutor v. Ayyash* case.

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<sup>5</sup> 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) (“Agreement”), Art. 2 (2).

<sup>6</sup> See also Art. 8 (1) (b) STL St.

**DISPOSITION****FOR THESE REASONS;**

**NOTING** the Secretary-General's appointment of Judges Akoum, Lettieri and Bednarek to a second Trial Chamber;

**PURSUANT TO** Articles 2 and 17 (b) of the Agreement, Articles 8 and 10 (1) of the Tribunal's Statute, and Rules 30 and 32 (B) of the Rules;

**I HEREBY CONVENE** Trial Chamber II, comprising the following Judges, serving on an *ad hoc* basis when required to perform their duties:

- (a) Judge Walid Akoum
- (b) Judge Nicola Lettieri
- (c) Judge Anna Bednarek.

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

Dated 6 November 2019

Leidschendam, the Netherlands



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Judge Ivana Hrdličková  
President

