



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

OFFICE OF THE PROSECUTOR

The role of the Prosecutor is twofold: to investigate crimes falling within the jurisdiction of the Tribunal and to present cases at trial and on appeal, if necessary

OFFICE OF THE PROSECUTOR

The Office of the Prosecutor (OTP) is, along with the Chambers, the Registry, and the Defence Office, one of the four organs of the Special Tribunal for Lebanon¹. It is led by the Prosecutor who was appointed by the Secretary-General of the United Nations², after consultation with the Government of Lebanon and upon the recommendation of a selection panel, for a renewable three-year term.

The Prosecutor is assisted in the discharge of his functions by a Lebanese Deputy Prosecutor, who is, appointed by the Government of the Republic of Lebanon in consultation with the Secretary-General and the Prosecutor.³

The OTP's mandate is to investigate and prosecute persons responsible for the attack of 14 February 2005 against Rafiq Hariri and others and other attacks having occurred in Lebanon between 1 October and 12 December 2005, or any later date, if those attacks are connected and similar in nature and gravity to the attack of 14 February 2005 and subject to a decision by Lebanon and the United Nations subject to the approval of the Security Council.⁴

The Prosecutor carries out his functions independently and does not seek or receive instructions from any Government or from any other source.⁵

Decisions to investigate, to prosecute and to bring an appeal are principled decisions

1 Article 2.(1) of the Annex to Resolution 1757 (2007)- Article 7 of the Statute of the Special Tribunal of Lebanon

2 Article 3 of the Annex to Resolution 1757 (2007)- Article and 11(3) of the Statute of the Special Tribunal for Lebanon.

3 Article 3(3) of the Annex to Resolution 1757 (2007)

4 Article 1 of the Statute.

5 Article 11(2) of the Statute

that are predicated on sound legal criteria. These decisions are made based on the evidence available and exclude political or any other external considerations. Furthermore, no one may order the Prosecutor to file an indictment, to refrain from doing so or to file an appeal. In that respect, the Prosecutor is an independent officer: He is not influenced by any ulterior motive, predilection or prejudice and must be regarded as an independent officer carrying out his duties in a manner much similar to those of a judge.

MANDATE

The role of the Prosecutor is two-fold: to investigate crimes falling within the jurisdiction of the Special Tribunal and to present cases at trial and on appeal if necessary.

Investigation

The Prosecutor will continue the investigation carried out by the International Independent Investigation Commission. In conducting the investigation, the Prosecutor, will obtain statements from witnesses, collect evidence and conduct on-site investigations. In carrying out these tasks, the Prosecutor shall, as appropriate, work in cooperation with the relevant Lebanese authorities⁶.

While the Prosecutor acts independently in the conduct of his investigation, he must obtain the authorisation of the Pre-Trial Judge of the Tribunal to undertake compulsory investigative measures.⁷

6 Article 11(5) of the Statute and Article 15 of Annex to Resolution 1757(2007)

7 Article 18(2) of the Statute.

Once he reaches the conclusion that there is sufficient evidence of the commission of a crime by an individual to justify the filing of an indictment and that it is in the public interest to do so, he will present the indictment setting out the charges to the Pre-trial judge for confirmation. If the judge is satisfied that the evidence is at first glance⁸ sufficient to support the charges, he will confirm the indictment. The Prosecutor stated before the Security Council that he does not intend to start issuing indictments upon assumption of his function as Prosecutor and that he would not provide any time-frame for submission of indictments.

Prosecution

The other main task of the Prosecutor is to present cases in court. Once the indictment is confirmed, the accused will be notified of the charges. The Prosecutor will disclose all relevant evidence to the accused and both the prosecution and the accused will prepare for trial, which will be heard by the Trial Chamber, in accordance with the provisions of Article 20 of the Statute. As a general principle, the trial will be public but exceptionally, it may be held in camera, should the Trial Chamber so determine pursuant to the Rules of Procedure and Evidence.⁹ As well, under certain circumstances, the trial may be heard in the absence of the accused.¹⁰

In addition to these functions, the Prosecutor will contribute to the management and administration of the Special Tribunal in a manner determined by the Rules of Procedure and Evidence.

ORGANIZATIONAL STRUCTURE



The OTP is headed by the Prosecutor. The first Prosecutor appointed to the Tribunal is Mr. **Daniel A. Bellemare**

from Canada. He was appointed by the Secretary-General of the United Nations on 14 November 2007.

Article 11 (4) of the STL Statute states that the Prosecutor shall be assisted by a Lebanese Deputy Prosecutor, and by such other Lebanese and international staff as may be required to perform his functions effectively and efficiently. In the OTP, staff are assigned to the Prosecutor's Immediate Office; the Legal Advisory Section; the Investigations Division, in The Hague and in the Office of the Special Tribunal in Beirut¹¹; and the Prosecution Division.

The OTP employs a wide range of experts (police officers, forensic experts, analysts, lawyers, etc.), drawn from several countries¹² recruited through a transparent competitive system on the basis of their qualifications in the required fields.

For further information, contact the OTP Spokesperson, Radhia Achouri: achouri@un.org.

⁸ Article 18(1) of the Statute.

⁹ Article 20(4) of the Statute.

¹⁰ Article 22 of the Statute

¹¹ Article 8(3) of Annex to Resolution 1757(2007)

¹² Article 3(5) of Annex to Resolution 1757(2007)