



## Security Council

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### Letter dated 7 September 2021 from the Secretary-General addressed to the President of the Security Council

I have the privilege to address you with respect to the Special Tribunal for Lebanon.

As you are aware, owing to the uncertain financial situation of the Special Tribunal, in February 2021, further to consultations with the Government of Lebanon and the members of the Security Council, I sought a subvention from the General Assembly in the amount of approximately \$25 million. The General Assembly appropriated an amount of approximately \$15.5 million for the Special Tribunal.

Despite the subvention and active fundraising, the Special Tribunal does not have sufficient funding to undertake the trial in the *Ayyash* “connected” cases (STL-18-10) and the proceedings remain stayed by Trial Chamber II as of the writing of the present letter.

In the light of the financial situation of the Special Tribunal, the Management Committee of the Special Tribunal has approved a budget in the amount of \$8.3 million for 2022, which will include funding for the completion of the appeal in the main *Ayyash et al.* case (STL-11-01), drawdown activities and the commencement of the residual phase of the Special Tribunal once the *Ayyash* appeal is completed.

Pursuant to article 5(1) of the Agreement between the United Nations and the Lebanese Republic on the Establishment of the Special Tribunal annexed to Security Council resolution [1757 \(2007\)](#), 51 per cent of the expenses of the Special Tribunal shall be borne by voluntary contributions from States, and 49 per cent by the Government of Lebanon.

While Lebanon remains committed to the Special Tribunal, owing to the continuing socioeconomic and financial crisis in the country, the Government of Lebanon is currently not in a position to confirm whether it will be able to contribute to the budget of the Special Tribunal for 2022. Additionally, no Member State has pledged any funding as of yet for 2022.

Pursuant to article 5, paragraph 2, of the annex to Security Council resolution [1757 \(2007\)](#), should voluntary contributions be insufficient for the Special Tribunal to implement its mandate, the Secretary-General and the Security Council shall explore alternate means of financing the Special Tribunal. In order to enable the Special Tribunal to complete the appeal proceedings in the *Ayyash et al.* case, to draw down and to commence the performance of its residual functions, further to consultations with the Government of Lebanon and the members of the Security Council, I wish to inform the Council of my intention to seek a subvention from the General Assembly for the Special Tribunal for 2022 in the amount of approximately \$8.3 million.



As the Special Tribunal will enter its residual phase upon completion of the *Ayyash et al.* appeal, further to my letter of 10 February 2021 to the President of the Security Council in which I expressed my intention to undertake consultations, as soon as possible, on residual functions that may be required to be performed by the Special Tribunal, I am pleased to inform you that the United Nations and the Government of Lebanon have agreed on the following framework for the performance of residual functions at the Special Tribunal.

The residual functions of the Special Tribunal will be performed under a dormant structure which would maintain the current legal framework, including the Agreement and the Statute of the Special Tribunal. The Special Tribunal 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 of the Special Tribunal will be primarily limited to the management and preservation of the records and archives of the Special Tribunal, assistance to national authorities and responses to requests for information, and the protection and support of victims and witnesses. While the Special Tribunal will retain the legal authority for other judicial functions currently vested in the Special Tribunal, 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 appeal in the *Ayyash et al.* case 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 Special Tribunal 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 records and archives of the Special Tribunal.

In the light of the financial situation of the Special Tribunal, the parties have also agreed that the performance of all or some of the residual functions would be contingent upon sufficient funding.

I would be grateful if you could bring the present letter to the attention of the members of the Security Council at the earliest opportunity.

(Signed) António Guterres

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