

Special Tribunal for Lebanon			
Citation	Abstract and/or Summary of Findings	Methods	Key Evidence or Figures
Internal - Analyses of the court, its jurisprudence, and judicial system development			
Ambos, Kai. "Judicial Creativity at the Special Tribunal for Lebanon: Is There a Crime of Terrorism under International Law?." <i>Leiden Journal of International Law</i> 24, no. 3 (2011): 655-675.	<p>On 21 January 2011, the pre-trial judge of the Special Tribunal for Lebanon (hereinafter 'STL') posed several questions to the Appeals Chamber ('Chamber') pursuant to Rule 68(G) of the Rules of Procedure and Evidence. Three of these questions dealt with the crime of terrorism.</p> <ul style="list-style-type: none"> • Should the Tribunal take into account international notions on terrorism even though Article 2 of the Statute only refers to the Lebanese Criminal Code ('LCC')? • If so, is there an international definition of 'terrorism' and how should it be applied? • If not, how is the Lebanese definition of 'terrorism' to be interpreted by the Chamber? <p>Both the prosecution and Defence submitted extensive briefs dealing, <i>inter alia</i>, with these questions. Additionally, two <i>amicus curiae</i> briefs were submitted. The Chamber argued that terrorism has become a crime under international law and that the respective international definition influences the (applicable) Lebanese law.</p>	Literature review, legal analysis	<p>Argues that the Chamber's considerations, albeit innovative and creative, are useless since the applicable terrorism definition can be found in the Lebanese law. There is no need to internationalize or reinterpret this law; it should be applied before the STL as understood in Lebanese practice.</p> <p>As to the Chamber's affirmation that there is a crime of terrorism under international law, I will argue, in the second part of the paper, that the available sources indicate that terrorism is a particularly serious transnational, treaty-based crime that comes close to a 'true' international crime but has not yet reached this status. Notwithstanding, the general elements of this crime can be inferred from the relevant sources of international law.</p>
De Hemptinne, Jérôme. "Challenges raised by victims' participation in the proceedings of the Special Tribunal for Lebanon." <i>Journal of International Criminal Justice</i> 8, no. 1 (2010): 165-179.	Special Tribunal for Lebanon has tried to strike an interesting balance between the legitimate interests of victims on the one hand and the fairness and efficiency of the proceedings on the other. However, some issues regarding the definition of victims are still unclear. Moreover, the proper functioning of the participation scheme rests entirely on the prosecutor, the judges and victims' representatives, whose cooperative attitude and active role will be crucial	Legal framework analysis, literature review, and interviews with STL officials	Only if prosecutor accepts to cooperate with victims' representatives by providing them with all necessary information in order that they are able to understand the case at hand (without, of course, revealing confidential information) that their intervention will not undermine the prosecutor's strategy. Furthermore, it is only if the judges agree to play an active role in the proceedings and intervene, when necessary, to control victims' interventions that trials will run smoothly, while simultaneously preserving the rights of the accused. Finally, victims' representatives should understand that their function is not to distort the facts of the case in order to secure a conviction but to meaningfully contribute to the discovery of the truth
Gardner, Maggie. "Reconsidering Trials in Absentia at the Special Tribunal for Lebanon: An Application of the Tribunal's Early Jurisprudence." <i>Geo. Wash. Int'l L. Rev.</i> 43 (2011): 91.	This Article first clarifies the debate by disentangling different notions of trials in absentia and by outlining the circumstances under which such trials are considered to accord with modern human rights standards. It then re-evaluates the framework for trials in absentia before the Special Tribunal for Lebanon in light of the Tribunal's early jurisprudence, suggesting how the judges should interpret and apply these provisions in keeping with their prior case law. It ends with a more pragmatic evaluation of the costs and benefits of trials in absentia and cautions that such trials, while acceptable under the highest international standards of criminal justice, should be undertaken rarely, if at all.	Literature review, legal analysis	In the end, a trial in absentia may be the only option to achieve even partial justice for terrorist crimes that severely disrupted Lebanese society. Under the framework imposed by the STL's Statute, as interpreted according to the Tribunal's own jurisprudence, such a trial will be in accordance with universal human rights and the highest international standards of criminal justice. While acceptable and perhaps necessary, however, trials in absentia will never be an ideal outcome and should only be used if all other options fail-and, if the defendant's rights may not be fully guaranteed, perhaps not even then.
Jenks, Chris. "Notice otherwise given: Will in absentia trials at the Special Tribunal for Lebanon violate human rights." <i>Fordham Int'l LJ</i> 33 (2009): 57.	This Article examines whether the Special Tribunal for Lebanon's ("STL's") in absentia trial provisions violate human right norms and, if so, whether the right to tribunal-appointed counsel or to retrial remedies any such violation.	Legal analysis	
Jordash, Wayne, and Tim Parker. "Trials in Absentia at the Special Tribunal for Lebanon: Incompatibility with International Human Rights Law." (2010): 487-509.	The article assesses whether or not the provision for trials at the Special Tribunal for Lebanon (STL) to be held in absentia, in Article 22 of that Tribunal's Statute, is consistent with international human rights law binding on Lebanon. It is contended that unless there is an unfettered right to a retrial at the defendant's option, holding a trial in absentia violates internationally recognized minimum standards of fairness except in circumstances where the accused is: (i) ejected from the proceedings for causing serious disruption; or (ii) being aware of the proceedings, voluntarily waives the right to be present. In light of these principles, the authors conclude that the Statute of the STL is not compliant with these minimum fair trial standards.	Literature review, legal analysis	Trials in absentia are unlawful and, moreover, will give rise to trials that will deprive an absent accused of an effective defence. The Statute of the STL should be amended to avoid trials in absentia, except in the limited circumstances outlined above, lest its implementation in its present form undermines the legitimacy of the Tribunal as a whole.

<p>Puchooa, Prakash. "Defining terrorism at the Special Tribunal for Lebanon." <i>Journal of Terrorism Research</i> (2011).</p>	<p>The Appeals Chamber defined the subjective (<i>mens rea</i>) and objective elements (<i>actus reus</i>) of terrorism by referring to domestic Lebanese law and international law. It thereby set out the applicable law for the court. The consequence of this decision however is not limited to the law of STL but may be seen as having far-reaching consequences for the conception of terrorism under both international law and International Criminal Law (ICL).</p>	<p>Literature review, legal analysis</p>	<p>This paper draws on this analysis to portray how the judge, the tribunal and the international community share a complex relationship in defining crimes. If the international community is to define terrorism as an international crime, it is this relationship that is to be carefully scrutinized. Individual states discuss, negotiate and compromise on definitions to find common agreement on the meaning of terrorism. However, by using the STL Judgment as a case study, it is clear that the dearth of legal instruments reflects the inability of states to do so. In the event of such a failure, judges will be called upon to decide its meaning if a tribunal is established to adjudicate a crime of terrorism. The judges, who are therefore left without a definition by states, are vested with much discretion to frame a meaning. The conclusion is that if states fail to provide a precise definition to protect the rights of the defendant and define terrorism within certain limits, then this task will inevitably fall in the unpredictable hands of judges as witnessed in the STL Appeals Judgment.</p>
<p>Wetzel, Jan Erik, and Yvonne Mitri. "The Special Tribunal for Lebanon: a court "off the shelf" for a divided country." <i>The Law & Practice of International Courts and Tribunals</i> 7, no. 1 (2008): 81-114.</p>	<p>This article argues that in many respects, the legal framework of the Special Tribunal distills the "best practices" of prior tribunals. At the same time, the debate over its creation and its chances to assist the peace process in Lebanon continues.</p>	<p>Literature review, legal analysis</p>	<p>Unclear whether the tribunal will alleviate or worsen political tensions in Lebanon. However, from a legal perspective, the establishment of Tribunal is another step in the ongoing effort to push back impunity and to use formalized international justice as a means to promote regional stability and peace. The STL could be an indication that any international system of justice still has space for diverse approaches to justice.</p>
<p>Wierda, Marieke, Habib Nassar, and Lynn Maalouf, "Early Reflections on Local Perceptions, Legitimacy and Legacy of the Special Tribunal for Lebanon" JICJ Symposium Edition on the Special Tribunal for Lebanon (2007).</p>	<p>Further challenges to the legitimacy of the Special Tribunal for Lebanon ('STL') are posed by (1) Lebanon's historical context including its 15-year war followed by selective impunity; (2) the highly selective nature of the jurisdiction of the STL and (3) the political context and fears that the STL itself will act as an instrument for foreign powers.</p>	<p>Literature review, legal analysis, interviews</p>	<p>This article suggests that the UN and STL can address some of these legitimacy challenges through their operations, including the transparent selection of judges and senior officials; attracting funding from a variety of states; and effective outreach. Above all, the STL should be differentiated from the other Tribunals. It should be seen as the logical next step to the International Independent Investigative Commission. In addition, the STL should strive to leave a lasting legacy in Lebanon and in the field of international criminal law.</p>