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Date

26/12/2006

Time

4:06:47 PM

Login Name Souleymane Soukouna



S-0043-0001-065-00109

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External ID

Title

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Primary Contact

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Assignee **In Container 'S-0043-0001-065 (Souleymane Soukouna)' since 26/12/2006 at**

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Owner Location **Archives and Records Management Section**

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Date Published

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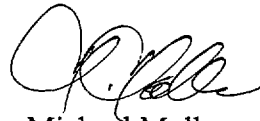
DPA

Note to Mr. Prendergast

Preparations for Lebanon Investigation Commission

With reference to your note to the Secretary-General of 4 May, the Secretary-General thanks you and would like to have the issue of appointing the Commissioner resolved by 13 May.

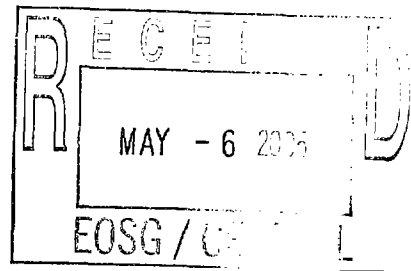
Best regards.



Michael Møller
6 May 2005

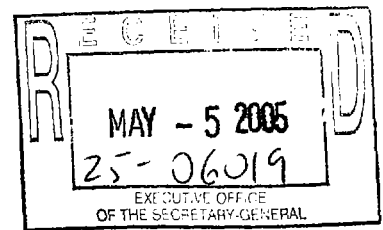
cc: Mr. Malloch Brown
Mr. Guéhenno
Mr. Michel
Mr. Veness
Mr. Roed-Larsen
Mr. Türk
Mr. Pedersen

25-06019



5/19/05

WFM



Note to the Secretary-General

PREPARATIONS FOR LEBANON INVESTIGATION COMMISSION

1. This note is to update you on the status of efforts to establish the UN International Independent Investigation Commission into the 14 February Beirut Bombing. //
2. The pre-deployment assessment mission visited Beirut last week. Lebanese officials gave the team assurances of complete support and cooperation. For example, the Lebanese Government has offered to pay the costs related to the Commission's headquarters. There was substantial public interest in the team's work, and high expectations that the Commission would find the truth behind the Hariri assassination.

Personnel

3. OLA has been proactively pursuing various avenues to identify a suitable candidate to head the Commission. *MM -* tage, they consider it premature to provide you with various options and are not yet continue to evaluate various options and are not yet of the candidates who have been identified. OLA has *i drafted something to send to KCP (attached)* Permanent Missions and capitals, including Colombo. *on* e that other suitable candidates are considered. *on* e that other suitable eminent persons in Italy and France seeking their assistance. OLA has pledged to inform DPA on a daily basis on progress made with a view to having a concrete short list of available names for your final consideration before the end of the week.
4. Regarding other substantive posts in the Commission, DPA has contacted the ICTY, ICTR, ICC, DPKO (to determine if any peacekeeping missions could provide staff with relevant experience) and member states regarding the provision of experienced lawyers and investigators. We have received positive indications from certain member states and institutions but await concrete suggestions. We hope to deploy current UN staff in the early stages of the mission because it would not be necessary to engage in a recruitment process with them while recruiting personnel from outside the system.

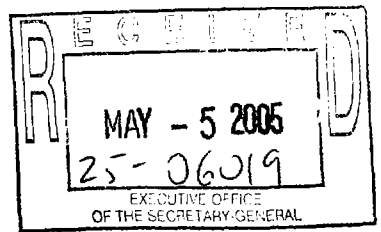
Deployment/Plan of work

5. The pre-deployment assessment mission, which visited Beirut last week, has determined that the deployment of substantive personnel should be carried out in phases, to enable the Commissioner to determine the mission's needs before a full deployment occurs. Under this plan, in the first phase, the Commissioner, accompanied by a small number of investigators and legal and political advisers, would be deployed to work out the relationship between the Commission and the

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5/19/05 *MR*

Note to the Secretary-General



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2. The pre-deployment assessment mission visited Beirut last week. Lebanese officials gave the team assurances of complete support and cooperation. For example, the Lebanese Government has offered to pay the costs related to the Commission's headquarters. There was substantial public interest in the team's work, and high expectations that the Commission would find the truth behind the Hariri assassination.

Personnel

3. OLA has been proactively pursuing various avenues to identify a suitable candidate to head the Commission. However, at this stage, they consider it premature to provide you with particular names, as they continue to evaluate various options and are not certain of the availability of the candidates who have been identified. OLA has been in direct contact with Permanent Missions and capitals, including Colombia, Italy and Spain, to ensure that other suitable candidates are considered. Mr. Michel has contacted eminent persons in Italy and France seeking their assistance in identifying potential candidates. OLA has pledged to inform DPA on a daily basis on progress made with a view to having a concrete short list of available names for your final consideration before the end of the week.
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Lebanese authorities and begin to establish scope of the investigation. More investigators would be deployed in this phase (bringing the mission up to approximately one-third of full strength) to review the results of previous investigations and determine what work needs to be carried out. Upon completion of this first phase of the Commission's work, which should occur by the middle of June, personnel would be deployed according to the mission's needs as identified by the Commissioner. A revised concept of operations setting out this approach is attached.

6. The Commissioner would determine when to recommend to you that you inform the Security Council that the Commission is operational, thus beginning the time period (three months, with a possible additional three months) during which the investigation must be carried out. You could so inform the Council during the first phase (i.e. before the middle of June), or at the end of that phase.

Budget/Finance

7. The pre-deployment assessment mission has produced a report that is now being used to prepare the budget of the Commission for submission to the ACABQ by 22 May. We hope to receive budgetary approval for operations from 1 June. Before 1 June, we are seeking support from your Unforeseen and Extraordinary Expenses fund.

K. Prendergast

Kieran Prendergast
4 May 2005

cc: Mr. Malloch Brown
Mr. Guéhenno
Mr. Michel
Mr. Veness
Mr. Roed-Larsen
Mr. Türk
Mr. Pedersen

*Many thanks for this memo
We must make every
effort to settle this
issue - that is the appointment
of the Commissioner by 13 May.*

K. Prendergast
6/5

International Independent Investigation Commission

Concept of Operations

Mandate:

1. Security Council resolution 1595 (2005) established an international independent investigation Commission based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of the assassination of former Lebanese Prime Minister Rafik Hariri. It called on the Lebanese Government to take into account fully the findings and conclusions of the Commission's investigation in bringing to justice the perpetrators, organizers and sponsors of the 14 February terrorist bombing. To that end, it directs the Commission to determine procedures for carrying out its investigation, taking into account the Lebanese law and judicial procedures.
2. The Council requests that the Secretary-General report to the Council and notify it of the date the Commission begins its full operations. The mandate of the Commission is for three months from the date on which it commences full operations. The Council authorizes the Secretary-General to extend the Commission's operation for a further period not to exceed three months.
3. The resolution states that the Commission shall:
 - Enjoy the full cooperation of the Lebanese authorities, including full access to all documentary, testimonial and physical information and evidence in their possession that the Commission deems relevant to the inquiry ;
 - Have the authority to collect any additional information and evidence, both documentary and physical, pertaining to this terrorist act, as well as to interview all officials and other persons in Lebanon, that the Commission deems relevant to the inquiry ;
 - Enjoy freedom of movement throughout the Lebanese territory, including access to all sites and facilities that the Commission deems relevant to the inquiry ;
 - Be provided with the facilities necessary to perform its functions, and be granted, as well as its premises, staff and equipment, the privileges and immunities to which they are entitled under the Convention on the Privileges and Immunities of the United Nations.

4. The Commission is to conduct an investigation to uncover the truth about the 14 February Beirut bombing with the purpose of bringing its perpetrators, organizers and sponsors to justice. The Commission should therefore conduct its business within the framework of the Lebanese law so that evidences, testimonies and findings may be used in Lebanese Courts. The Commission needs to enjoy the full cooperation of the Lebanese authorities, which should provide executive authority to carry out interrogations, searches and other relevant tasks for the fulfilment of its mandate. In that respect, the Commission will be assisted and advised by Lebanese legal resources without prejudice to its independence.

Personnel

5. The Secretary-General, following the recommendations of the Fact-finding Mission endorsed by the Security Council, has agreed that this exercise should be a largely technical exercise, with the core of the Commission's staff being professionals with experience in criminal investigation and criminal justice. There should thus be necessary to establish a self-sufficient team, comprising the different fields of expertise in national systems, with the necessary support staff and resources, and knowledge of the legal and other systems involved.
6. It has been agreed that the Commission be headed by a single leader (a Commissioner), a senior investigative judge or prosecutor with direct experience in directing complex investigations. Given Lebanon's legal system, it would be preferable to look for leadership from among countries that follow the civil code legal system, rather than the common law system. If this proves to be not feasible, another senior commission official having the requisite civil code legal experience should join the Commission team. It will be for the Commissioner to revise the Commission's plan of operation after his/her appointment.
7. Other commission staff should have expertise in law (prosecutions and Lebanese criminal law, for example), criminal investigation, forensics, ballistics, explosives and political affairs. The Commissioner's senior staff should include a chief of staff, a principle investigative officer, a legal counsel, a senior political adviser familiar with Lebanese politics, a senior security adviser, and a senior media adviser with experience in acting as a spokesman for high profile criminal investigations.
8. Because of the requirement of working within the Lebanese legal framework set forth in resolution 1595, and described in paragraph 4 above, it would be necessary to engage the services of a legal consultant with extensive experience in the Lebanese criminal justice system to advise the Commission.

Method of work:

9. The mission should be organized along the following lines: Office of the Commissioner; Legal Section; Investigative Section; Security Section and Administrative Section. The core tasks of the mission would be carried out by the **Investigative Section** headed by a D-1/2 level Chief Investigative Officer.
10. The **Investigative Section** would be staffed by experienced police investigators who would conduct investigations; collect, process and evaluate evidence; interview victims, witnesses and suspects; prepare and maintain documentation related to the investigation. The investigators would need to be mobile, and able to travel around Beirut, Lebanon and possibly more widely to collect information and evidence. Some of the investigators should have experience in forensics, ballistics, and explosives. They should have a (mobile) forensic lab, as it might not be possible to test evidence outside Lebanon. Peter FitzGerald has suggested that they work in teams of two. Each team would need access to a vehicle, communications equipment (cell phone, etc.), a computer, an international interpreter and translation services (Arabic-English and/or French-English). Mr. FitzGerald suggested that the mission would need up to fifty investigators.
11. The staff of the Investigative Section would be deployed gradually, with an initial group numbering about 15, led by the Commissioner, starting the investigation. This group would examine the results of previous investigations, review evidence and determine what further work needs to be done. Only after this review, on an as needed basis, would more investigators be deployed. The review would also determine what skills will be needed by the investigation.
12. In addition, during this initial phase, the Commission would publicly announce its presence and urge members of the public with information to contact it. It is likely that the Commission would receive large numbers of contacts. About five investigators should be assigned to evaluate these contacts
13. All personnel who collect evidence and conduct interviews might need to do so in conjunction or in tandem with Lebanese officials. Provisions need to be made for securing evidence, protecting witnesses (safe locations for interviews and provisions for anonymity) while working cooperatively with the Lebanese authorities.
14. The Commission would need to make provision for those witnesses who might be reluctant to be interviewed at the Commission headquarters to ensure confidentiality and protection. It should be borne in mind that while the UN would be able to provide protection within the UN premises, it would be for the Lebanese authorities to ensure that witnesses and individuals collaborating with the Commission are properly protected. It might be worth considering

establishing satellite locations for interviewing certain witnesses including one location outside of Lebanon.

15. The **Legal Section** would be headed by a Legal Counsel, with extensive prosecutorial experience. His/her role would be that of facilitating the work of the Commission at the ground level, ensuring that proper cooperation is provided by the Lebanese authorities. He/she should also be the focal point with the Ministry of Justice and should ensure that all "executive" powers for the Commission to carry out interrogatories, searches and other relevant tasks are given. It would also be for the Legal Counsel to advise the Commissioner on matters related to the obligations of the Lebanese authorities under the Security Council resolution and the eventual exchange of letters between the UN and the Government of Lebanon. The Section should also include a team of prosecutors whose role would be to coordinate at all times with the judicial and political authorities to ensure that any action of the investigators are not tainted with invalidity that would make them invalid in a Court of Law.
16. Even if the Commission will not speak to the media on a regular basis, it should have a media strategy, developed by the senior media adviser in partnership with UNIC/Beirut and the Office of the Spokesman of the Secretary-General.