



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

Contempt Case against Akhbar Beirut S.A.L. and Mr Ibrahim Mohamed Ali Al Amin (Case STL-14-06)



CASE INFORMATION SHEET

On 31 January 2014, the initial Contempt Judge, Judge David Baragwanath, issued a Decision in Proceedings for Contempt with Orders *in lieu* of an Indictment in the Case against *Akhbar Beirut* S.A.L. and Mr Ibrahim Mohamed Ali Al Amin, charging each Accused with one count of contempt and obstruction of justice. A [redacted version of the decision and orders](#) became public on 24 April 2014.

The Accused

- *Akhbar Beirut* S.A.L. is a legal person, operating the newspaper *Al Akhbar*. It is a Lebanese print media outlet registered before the Beirut Commercial Court on 21 March 2006 (Registration number 1005579).
- Mr Ibrahim Mohamed Ali Al Amin, a Lebanese citizen, is *Akhbar Beirut* S.A.L.'s Editor-in-Chief and Chairman of the Board of Directors.

Alleged Criminal Acts

In his decision of 31 January 2014, the initial Contempt Judge, Judge Baragwanath, found sufficient evidence that, on 15 January 2013, *Al Akhbar* published an article titled “STL Leaks: The Prosecution’s Surprise Witnesses” in its Arabic print edition and on its Arabic and English websites. It is alleged that the Arabic versions contained information about 17 individuals purported to be confidential witnesses in the *Ayyash et al.* case, including photographs and certain identifying information. The initial Contempt Judge further found that, on 19 January 2013, *Al Akhbar* published an article in its print edition and on its Arabic website titled “The STL Witness List: Why We Published”. It is alleged that the article contained information on 15 additional individuals alleged to be confidential witnesses in the *Ayyash et al.* case, including

photographs and certain identifying information. On 20 January 2013, an edited English translation of this article appeared on the newspaper’s English website.

It is alleged that on 18 January 2013, Mr Al Amin was served with a Notice of Cease and Desist by the Registrar. The Notice mentioned that the publication of such material by *Al Akhbar* “may constitute a knowing and wilful interference with the administration of justice and may place at risk the security of those individuals that have been the subject of the article”.

In his decision of 31 January 2014, the initial Contempt Judge found sufficient evidence to allege that “both *Akhbar Beirut* S.A.L. and Mr Al Amin were aware that publication of the articles would interfere with the Tribunal’s administration of justice”.

Charges

Akhbar Beirut S.A.L. and Mr Al Amin are each charged pursuant to Rule 60 *bis* (A) of the Tribunal’s Rules of Procedure and Evidence with “knowingly and wilfully interfering with the administration of justice by publishing information on purported confidential

witnesses in the *Ayyash et al.* case, thereby undermining public confidence in the Tribunal’s ability to protect the confidentiality of the information about, or provided by, witnesses or potential witnesses”.

Key Judicial Developments

29 April 2013 - The initial Contempt Judge, Judge David Baragwanath, issues a decision, ordering that an investigation be initiated with respect to three incidents that could potentially constitute interference with the administration of justice through publication of alleged witness identities.

One of those incidents relates to *Al Akhbar*’s publications in January 2013. A [redacted version of the decision and orders](#) became public on 24 April 2014.

25 June 2013 - The then STL Acting Registrar, Mr Daryl Mundis, [appoints Mr Stéphane Bourgon as *Amicus Curiae*](#) to

investigate the three events that are the subject of allegations of contempt. Mr Bourgon submits periodic confidential reports to the Contempt Judge on the progress of investigations.

31 January 2014 - Judge Baragwanath issues a [Decision in Proceedings for Contempt with Orders in Lieu of an Indictment](#) in the case against *Akhbar Beirut S.A.L.* and Mr Al Amin, charging each of the Accused with one count of contempt and obstruction of justice under Rule 60 *bis*. In the same decision, Judge Baragwanath recuses himself as the Contempt Judge.

In a separate order on the same day, Judge Baragwanath, in his capacity as President of the Tribunal, [designates Judge Nicola Lettieri](#) as the new Contempt Judge from a pre-determined roster of all Judges of the Tribunal.

4 March 2014 - The STL Registrar, Mr Daryl Mundis, [appoints Mr Kenneth Scott as the new Amicus Curiae](#) Prosecutor to prosecute the contempt charges.

18 March 2014 - Contempt Judge Lettieri issues summons to appear, ordering *Akhbar Beirut S.A.L.* and Mr Al Amin to appear before the STL.

29 May 2014 - The [initial appearances of Akhbar Beirut S.A.L. and Mr Al Amin](#) take place before the Contempt Judge from the STL's Beirut Office via video-teleconference. Mr Al Amin informs that he appears before the Contempt Judge representing both himself and *Akhbar Beirut S.A.L.* The Contempt Judge interpreted Mr Al Amin's statement and his decision to leave the hearing as a plea of not guilty on behalf of himself and *Akhbar Beirut S.A.L.* The Judge noted that entering such a plea was in favor of the Accused since it required the *Amicus Curiae* to prove his case against both Accused beyond reasonable doubt. He [orders](#) the Head of the Defence Office, Mr François Roux, to assign counsel to represent the two Accused in the proceedings.

12 June 2014 - Mr Al Amin [files a request before Judge Lettieri](#), seeking certification to appeal the decision to assign counsel and a suspension of that decision. The same day, this request [is supported by the Head of the Defence Office](#).

18 June 2014 - Judge Lettieri [requests](#) the Accused to clarify their position on their participation in the proceedings, in particular on whether they intend to appoint counsel of their own choosing or whether they intend to represent themselves in the proceedings.

30 June 2014 - Head of the Defence Office, François Roux, [assigns Mr Antonios Abou Kasm](#) as Lead Counsel representing both Accused in the Case STL-14-06.

6 November 2014 - Judge Lettieri [dismisses](#) the charges against *Akhbar Beirut S.A.L.*, having found that the Tribunal has no personal jurisdiction to hold contempt proceedings against legal persons and certified this issue for *appeal*.

23 January 2015 - The Appeals Panel, composed of Judge Afif Chamseddine (Presiding), Judge Janet Nosworthy and Judge Ivana Hrdličková, [rules](#) that the STL does have jurisdiction to hear cases of contempt and obstruction of justice against legal persons. The charges against *Akhbar Beirut S.A.L.* are reinstated.

14 October 2015 - Contempt Judge issues a [scheduling order](#), setting the start date of trial in the Case STL-14-06 to 28 January 2016 and ordering that pre-trial conference be held on 11 December 2015.

18 December 2015 - Contempt Judge grants the *Amicus's* request to amend his witness and exhibit list and [reschedules](#) the start of trial in STL-14-06 for 24 February 2016, to ensure that the Defence has enough time to prepare in light of these amendments. In a separate decision the same day, the Contempt Judge [rejects](#) the *Amicus's* request to add two new counts to the indictment. In a third decision on 18 December 2015, [the Judge dismisses the Amicus's request for postponement of trial](#) in the contempt case STL-14-06 until the appeal in STL-14-05 is decided.

25 January 2016 - Contempt Judge Nicola Lettieri [orders](#) the Defence in the STL-14-06 case to present its case, if any, on 7 and 8, and from 11 to 13 April 2016

Glossary

Contempt of court is defined in Rule 60*bis* of the Tribunal's Rules of Procedure and Evidence as knowing and willful interference with the Tribunal's administration of justice. All international criminal courts and tribunals have, in their rules of procedure and evidence, articulated the judges' power to impose criminal penalties for conduct that interferes with the administration of justice or threatens the integrity of the judicial proceedings.

Contempt can take a number of forms. Under Rule 60*bis*, it may include:

- knowingly giving false evidence before the court;
- disclosing certain information in knowing violation of a court order;
- failing to comply with court orders; or

- threatening, intimidating or offering to bribe witnesses or other individuals, such as the judges of the Tribunal.

The purpose of contempt proceedings is to protect the proper functioning of the Tribunal and the administration of justice.

Amicus curiae (a Latin term, which means "friend of the court") is a third party that is not party to the main case, but which is assigned to assist a court on a specific issue. An *Amicus Curiae* is appointed to ensure that a court decision is not shaped by only the parties involved in litigation. In the contempt cases before the STL, the *Amicus Curiae* is also a prosecutor, though he is independent from the Office of the Prosecutor at the STL.

Actors in the Case STL-14-06

Judge Nicola Lettieri, *Contempt Judge*

Mr Kenneth Scott, *Amicus Curiae Prosecutor*

Dr Antonios Abou Kasm, *Assigned Lead Counsel for Al Akhbar S.A.L. and Mr Al Amin*

The biographies of STL senior officers are available on the Tribunal's website:

www.stl-tsl.org/en/about-the-stl/biographies

Last updated 28 January 2016