



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE CONTEMPT JUDGE

Case No.: STL-14-06/I/CJ
Before: Judge Nicola Lettieri, Contempt Judge
Registrar: Mr Daryl Mundis, Registrar
Date: 27 May 2014
Original language: English
Classification: Public

IN THE CASE AGAINST

AKHBAR BEIRUT S.A.L.
IBRAHIM MOHAMED AL AMIN

FURTHER ORDER ON INITIAL APPEARANCES SCHEDULED FOR 29 MAY 2014

***Amicus Curiae* Prosecutor:**
Mr Kenneth Scott

The Accused:
Akhbar Beirut S.A.L.
Mr Ibrahim Mohamed Al Amin

Head of Defence Office:
Mr François Roux



1. By Order of 22 May 2014, I rescheduled the initial appearances of the Accused in this case to 29 May 2014, at 3 pm.¹ This followed a request by Mr Ibrahim Mohamed Al Amin to postpone his initial appearance and after hearing the *amicus curiae* Prosecutor and the Head of Defence Office.

2. On 26 May 2014, I received a letter from Mr Al Amin, raising several concerns in relation to the initial appearance.² However, I consider that a letter is not the appropriate way to bring such matters to my attention. This is particularly the case here because, during the hearing of 13 May 2014, the Head of Defence Office clarified that he had explained to the lawyer of Mr Al Amin what an initial appearance before the Tribunal entails.³

3. As a Judge of the Tribunal, I am bound by its Statute, Rules of Procedure and Evidence (“Rules”) and other relevant legal provisions, which all exist to ensure that any Accused before the Tribunal will receive a “fair and public hearing”.⁴ As I already clarified,⁵ the purpose of the initial appearance of an accused under Rule 98 of the Rules is to formally charge the accused; to ensure that the accused’s basic rights are protected, which includes making sure that the accused understands the charges; and for the accused to consider entering a plea of guilty or not guilty.⁶ Generally, it is only after such a hearing, and after the Tribunal is satisfied that the accused’s rights are being duly protected, that discussions on the merits of the case will take place.

4. In particular, Rule 98 states that at an initial appearance the Judge shall:

- (i) satisfy itself or himself that the right of the accused to counsel is respected;
- (ii) read or have the indictment read to the accused in a language the accused understands and satisfy itself that the accused understands the indictment;
- (iii) inform the accused that, within seven days of the initial appearance, he will be called upon to enter a plea of guilty or not guilty on each count, but that should he so request, he may immediately enter a plea of guilty or not guilty on one or more counts;

¹ STL, *Prosecutor v. Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/I/CJ, F0013, Order Rescheduling Initial Appearances, 22 May 2014.

² Letter of 26 May 2014 by Mr Al Amin.

³ STL, *Prosecutor v. Akhbar Beirut S.A.L. and Amin*, STL-14-06/I/CJ, Transcript of 13 May 2014, p. 11.

⁴ Article 16 (2) STL St.

⁵ STL, *Prosecutor v. Akhbar Beirut S.A.L. and Amin*, STL-14-06/I/CJ, Transcript of 13 May 2014, p. 5.

⁶ See, e.g., ICTR, *Kajelijeli v. The Prosecutor*, ICTR-98-44A-A, Judgement, 23 May 2005, paras 246-250 (“*Kajelijeli* Appeal Judgment”).

- (iv) if the accused fails to enter a plea at the initial or any further appearance, decide whether to enter a plea of not guilty on the accused's behalf;
- (v) in case of a plea of not guilty, set a date for trial or for a status conference, as appropriate;
- (vi) in case of a plea of guilty, act in accordance with Rule 100; and
- (vii) set other dates as appropriate.⁷

5. If required, before or at the initial appearance, the Head of Defence Office may assign counsel available at short notice to act temporarily for the accused pursuant to Rule 57(D)(iii).⁸ This is because it is “important and indeed ideal” for an accused to have the assistance of counsel at such a hearing.⁹ The assignment of such temporary counsel for the purpose of an initial appearance in no way prohibits or discourages an accused from subsequently selecting his own counsel. The Tribunal also has the resources to assist any accused who wishes to be represented by counsel but does not have the means to do so. Nonetheless, such a request by the accused presupposes an initial appearance.

6. *After* the initial appearance will be the appropriate time to discuss the issues raised by Mr Amin in his letter. This includes arguments on the jurisdiction of the Tribunal over the crime with which Mr Al Amin and *Akhbar Beirut S.A.L.* are charged as well as the extension of any deadlines to make sure that the Accused have adequate time to prepare for the case. It further includes submissions related to the safety of the accused and potential protective measures. Proceeding this way is very similar to the practice in Lebanon.

7. In light of the above, there is no reason to once again postpone Mr Al Amin's and *Akhbar Beirut S.A.L.*'s appearances before me. All the matters that Mr Al Amin is concerned about can and will be raised before me, but at a public hearing. To hear Mr Amin requires his participation in the initial appearance as a first step.

⁷ Rule 98 (A).

⁸ Rule 98 (B).

⁹ *Kajeliji* Appeal Judgement, para. 248.

DISPOSITION

FOR THESE REASONS,

I

ORDER the Registry to file the Letter of 26 May 2014 by Mr Al Amin on the record;

REQUEST the Head of Defence Office to explain at the hearing of 29 May 2014 the steps he has undertaken after the hearing of 13 May 2014 to explain to the Accused the purpose of an initial appearance and the means to protect their rights;

REQUEST the parties to be ready to discuss, at the hearing of 29 May 2014, how to proceed in this matter.

Done in Arabic, English and French, the English version being authoritative.

Dated 27 May 2014

Leidschendam, the Netherlands



Judge Nicola Lettieri
Contempt Judge

