



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE PRESIDENT

Case No.: STL-14-06/PT/PRES
Before: Judge David Baragwanath, President
Registrar: Mr Daryl Mundis
Date: 3 July 2014
Original language: English
Classification: Public

IN THE CASE AGAINST

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

ORDER DESIGNATING PANEL PURSUANT TO RULE 25 (D)

***Amicus curiae* Prosecutor:**
Mr Kenneth Scott

**Counsel for *Akhbar Beirut* S.A.L. and
Mr Ibrahim Mohamed Al Amin:**
Mr Antonios Abou Kasm



1. On 31 January 2014, following the issue of an Order in Lieu of an Indictment,¹ I designated Judge Lettieri as the Contempt Judge in this case.² On 25 June 2014, the Accused filed a submission before Judge Lettieri, in which they raised a number of allegations with respect to the neutrality and impartiality of Judge Lettieri in hearing the case.³ In particular, they stated that they found themselves “with no alternative than to bring an action before the competent authority aimed at bringing about [Judge Lettieri’s] dismissal and disqualification in the hearing of this case [...] ordering that [Judge Lettieri] cease to sit on this trial or take any other measure in connection therewith pending a decision in respect of the application for withdrawal”.⁴

2. On 30 June 2014, Judge Lettieri issued an order directing the Accused’s Request to me.⁵ He held that while the Request did not refer to any legal provisions and could be interpreted in different ways, he should nevertheless, for the avoidance of any doubt and in favour of the Accused, treat it as a motion for his disqualification under Rule 25 of the Rules of Procedure and Evidence.⁶

3. Rule 25 states:

(A) A Judge may not sit on a trial or appeal in any case in which he has a personal interest or concerning which he has or has had any association that might affect or appear to affect his impartiality. The Judge shall, in any such circumstances, withdraw, and the President shall assign another Judge to the case.

[...]

(C) A Party may apply to the President [...] for the disqualification and withdrawal of [...] the Contempt Judge on the grounds specified in paragraph (A).

(D) The President [...] shall designate a panel of three Judges to examine the request. The panel shall, if necessary, appoint a Judge to report to it on the merits of an application under paragraph[] [...] (C). If the panel decides to uphold the application, it shall assign another Judge to sit in the place of the Judge in question.

¹ STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/I/CJ, F0001, Redacted Version of Decision in Proceedings for Contempt with Orders in Lieu of an Indictment, 31 January 2014.

² STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/I/PRES, F0002, Order Designating Contempt Judge, 31 January 2014.

³ STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/PT/CJ, F0026, Response to Demand that I Clarify my Position Pursuant to the Order of 18 June 2014, 25 June 2014 (“Request”).

⁴ Request, p. R000387.

⁵ STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/PT/CJ, F0027, Order Regarding Mr Al Amin’s Submission of 25 June 2014, 30 June 2014 (“Order”).

⁶ Order, para. 7.

4. Given the content of the submission filed by the Accused and referred to me on 2 July 2014,⁷ I treat it as a request under Rule 25 (C) for the disqualification and withdrawal of Judge Lettieri from the case. Under the clear terms of the Rule, having received such request, I must assign the three-judge panel pursuant to Rule 25 (D).

5. The Rule is silent on the composition of the panel. However, Rule 32 (B) gives me the responsibility to “coordinate the work of the Chambers”. I am therefore entitled to take into account practical considerations when constituting the panel under Rule 25 (D). This has also been the practice at the International Criminal Tribunal for the former Yugoslavia, which has a similar Rule.⁸ These include the current workload of Judges, and ensuring the ratio of international and Lebanese judges contemplated by the Statute.

6. I therefore order that the panel be composed of Judge Fransen, Judge Chamseddine and Judge Hrdličková.

⁷ The Request was re-filed before me on that date (*see* F0029).

⁸ *See, e.g.*, ICTY, *Prosecutor v. Šešelj*, IT-03-67-T, Order Pursuant to Rule 15, 25 July 2013, p. 2 (“considering that Rule 19 of the Rules [the equivalent of Rule 32 STL RPE] allows the President to coordinate the work of Chambers” when assigning the three-Judge panel); ICTY, *Prosecutor v. Šešelj*, IT-03-67-T, Order Pursuant to Rule 15, p. 3 (referring to Rule 19 ICTY RPE when assigning the three-Judge panel); *see also* ICTY, *Prosecutor v. Martić*, IT-95-11-A, Order Pursuant to Rule 15, 5 October 2007, p. 3.

DISPOSITION

FOR THESE REASONS;

PURSUANT to Article 10 of the Statute and Rules 25 (D) and 32 (B) of the Rules;

I

DESIGNATE a panel of three Judges to examine the Request; and

ORDER that this panel be composed as follows:

Judge Daniel Fransen

Judge Afif Chamseddine

Judge Ivana Hrdličková.

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

Dated 3 July 2014

Leidschendam, the Netherlands



Judge David Baragwanath

President

