



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE CONTEMPT JUDGE

Case No.: STL-14-06/PT/CJ
Before: Judge Nicola Lettieri, Contempt Judge
Registrar: Mr Daryl Mundis, Registrar
Date: 3 July 2014
Original language: English
Classification: Public

IN THE CASE AGAINST

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

**DECISION ON THE *AMICUS CURIAE* PROSECUTOR'S APPLICATION FOR
PROTECTIVE MEASURES AND NON-DISCLOSURE**

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

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



1. In the initial appearance held on 29 May 2014, I ordered the Head of Defence Office to assign counsel to the Accused pursuant to Rule 59 (F) of the Rules of Procedure and Evidence of the Special Tribunal for Lebanon (“Rules” and “Tribunal”, respectively),¹ and I provided written reasons for my decision on 5 June 2014.² In my 5 June 2014 decision, I requested that the *Amicus Curiae* Prosecutor (“*Amicus*”) effectuate Rule 110 (A) disclosure at the earliest opportunity after counsel had been assigned.³

2. On 8 May 2014, *Amicus* filed an application for protective measures and the non-dissemination of information.⁴ He seeks several protective measures regarding disclosure. In particular, he seeks orders to the Accused and the Defence not to disseminate any material disclosed by *Amicus*, except as necessary in the course of the proceedings. He also requests that the Accused and the Defence abide by all confidentiality measures.⁵ *Amicus* further seeks an order that no member of the public, including the media, may publish or otherwise disclose such material as long as the material is protected.⁶

3. Counsel for the Defence has not been heard on this request, however, granting such an order, which has the purpose of protecting the proceedings and, in particular, the witnesses, is in line with the practice of this Tribunal and those of other international criminal courts.⁷ Therefore I will grant *Amicus*’s request at this stage, in part, in order to facilitate the speedy disclosure of Rule 110 (A) material to the Defence. However, this is without prejudice to the Defence being permitted to seek a variation of my order if they wish in the future.

4. Furthermore, should *Amicus* wish to seek further variation of the protective measures based on the particular circumstances of this case, *i.e.* that Defence counsel for the Accused has been assigned pursuant to Rule 59 (F), *Amicus* is free to make such an application.

¹ STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06, Transcript of 29 May 2014 (“Transcript of 29 May 2014”), p. 19 (EN).

² STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/PT/CJ, F0018, Reasons for Decision on Assignment of Counsel, 5 June 2014 (“Decision of 5 June 2014”). All further references to filings and decisions relate to this case number unless otherwise stated.

³ *Ibid.*

⁴ F0009, *Amicus Curiae* Application for Protective Measures, 8 May 2014.

⁵ *Id.* at para. 3.

⁶ *Ibid.*

⁷ See STL, *In the case against New TV S.A.L. and Khayat*, STL-14-05/PT/CJ, Oral Decision of 13 May 2014 ((Transcript of 13 May 2014, pp. 9-12); STL, *Prosecutor v. Ayyash et al.*, STL-11-01/PT/PTJ, Decision Relating to the Prosecution Request Seeking Measures for the Non-Dissemination of Material of 2 May 2012, 25 May 2012.

DISPOSITION

FOR THESE REASONS;

Pursuant to Rules 60 *bis* (H), 74, 77 (A), and 133 of the Rules;

I

ORDER that the Defence, that is, the Accused and their counsel, must not disseminate material or information disclosed by *Amicus* to the public unless it is necessary for the preparation of their case or if made public in the course of public and open session proceedings. The public here is everyone except the Tribunal's Judge, the staff of Chambers, and the Registry, the Prosecutor and the Defence. The "public" includes families, friends and the media;

ORDER that the Defence must present itself as such during its contacts with witnesses identified by *Amicus*;

ORDER that that the Defence, if it wishes to make contact with one of the witnesses at risk to be identified by *Amicus*, must give prior notice to the latter, who will arrange the contact after having ensured that the witness agrees to the contact;

ORDER that the Defence must, when it discloses material in the proceedings, inform all third parties to the proceedings of the obligation not to disseminate or copy that material, the return it to the Defence after use, and of the sanctions to be applied in the event of the violation of those rules.

ORDER that the head of Defence Office must draw up and maintain a list of the counsel for the accused and the members of the Defence teams;

ORDER that any person who withdraws from his or her post within the Defence must return to the lead counsel all material relating to the case;

ORDER that all third parties to the proceedings must not disseminate material in the proceedings of which they may have knowledge of or any information contained therein, which may be subject to a protective measure unless that material or information becomes public during open session proceedings;

ORDER that Counsel is reminded of their obligation to protect the confidentiality of the evidence and the proceedings, pursuant to Article 5 of the Code for Counsel;

REMIND the Accused that my order is fully applicable to them. I refer in particular to the prohibition to disclose any confidential material. They are also not permitted to have any contact with any protected witness or with any of the individuals allegedly identified by the Accused as protected witnesses as set out in the Order in Lieu of an Indictment;

ORDER that this decision also applies *mutatis mutandis* to *Amicus* and his staff;

DISMISS the remainder of *Amicus*'s request in all other respects;

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

Dated 3 July 2014

Leidschendam, the Netherlands



Judge Nicola Lettieri
Contempt Judge

