



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

**THE PRESIDENT**

**Case No.:** STL-14-06/PT/PRES/AR126.1  
**Before:** Judge David Baragwanath, President  
**Registrar:** Mr Daryl Mundis  
**Date:** 14 November 2014  
**Original language:** English  
**Classification:** Public

**IN THE CASE AGAINST**

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

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**ORDER DESIGNATING APPEALS PANEL**

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

**Counsel for *Akhbar Beirut* S.A.L.:**  
Mr Antonio Abou Kasm

**Counsel for Mr Ibrahim Mohamed Ali  
Al Amin:**  
Mr Antonio Abou Kasm



1. On 6 November 2014, Judge Lettieri issued his “Decision on Motion Challenging Jurisdiction” in the case STL-14-06.<sup>1</sup> He certified an issue in that Decision for appeal pursuant to Rule 126 of the Rules of Procedure and Evidence (“Rules”).<sup>2</sup> The *Amicus Curiae* Prosecutor has now filed an appeal against the Decision.<sup>3</sup> This requires me, pursuant to Rule 60 *bis* (M) and Article 2 (1) of the relevant Practice Direction,<sup>4</sup> to designate an Appeals Panel composed of three Judges.

2. Annex 2 of the Practice Direction provides for a pre-determined roster of Judges for all appeals in contempt matters filed in the months of September through November 2014. The Judges listed there are Judge Braidy, Judge Hrdličková and Judge Lettieri.

3. Given that the appeal is directed against a decision issued by Judge Lettieri, he is “unable to sit on [the] appeal” as set out in Article 2 (3) of the Practice Direction. Judge Braidy has informed me that she is also unable to sit; I am satisfied by her reasons with which I agree. In these circumstances, Article 2 (3) requires me to designate the next international and Lebanese Judge on the roster, respectively. The next international Judge is Judge Nosworthy. The next Lebanese Judge is Judge Chamseddine.

4. I note here the *Amicus Curiae* Prosecutor’s request that I designate the same Appeals Panel that is hearing all appeals in the case STL-14-05. He argues that the issues on appeal are related and that Judge Lettieri’s Decision in the present case, in which he disagrees with the Appeals Panel’s reasoning in the case STL-14-05, is akin to a request for reconsideration, which should be heard by the same Judges or bench that has issued the first decision.<sup>5</sup> I reject this request. The purpose of the roster is to remove any discretion as to the selection of a Contempt Judge or a Contempt Appeals Panel. Indeed, having myself commenced the present proceedings<sup>6</sup> I would disqualify myself from ordering the composition of the Appeals Panel were not my order designating it a purely *administrative*

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<sup>1</sup> STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/PT/CJ, F0069, Decision on Motion Challenging Jurisdiction, 6 November 2014 (“Decision”).

<sup>2</sup> Decision, Disposition.

<sup>3</sup> STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/PT/AP/AR126.1, F0001, Interlocutory Appeal Against the Decision on Motion Challenging Jurisdiction, 13 November 2014 (“Appeal”).

<sup>4</sup> STL, Practice Direction on Designation of Judges in Matters of Contempt, Obstruction of Justice and False Testimony, STL/PD/2013/06/Rev.2, 2 July 2014 (“Practice Direction”).

<sup>5</sup> Appeal, para. 39.

<sup>6</sup> See STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/I/CJ, F0001, Redacted Decision in Proceedings for Contempt with Orders in Lieu of an Indictment, 31 January 2014.

decision,<sup>7</sup> which adheres to the simple mechanistic approach of designating the Judges who are already on the pre-approved roster as set out in the Practice Direction; there is no discretion in this regard. If however a Party has reason to challenge the composition of a bench derived from the roster, it can do so through the appropriate procedural means.<sup>8</sup>

5. I therefore designate an Appeals Panel composed of Judges Chamseddine, Judge Hrdličková and Judge Nosworthy. Pursuant to Article 2 (1) of the Practice Direction and Rule 30 (B) of the Rules, Judge Chamseddine will serve as the Presiding Judge. It may be noted that, by Article 2 (2) of the Practice Direction, “[o]nce designated, the Appeals Panel remains seized of the case with respect to all appeals filed in that case”.

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<sup>7</sup> Cf. STL, *Prosecutor v. Ayyash et al.*, STL-11-01/PT/PRES, F1132, Decision on Defence Motion for Reconsideration and Rescission of Order Composing the Trial Chamber, 4 October 2013, paras 10-15.

<sup>8</sup> Cf. STL, *Prosecutor v. Ayyash et al.*, STL-11-01/PT/AC, F1178, Decision on Application by Counsel for Messrs Badreddine and Oneissi Against President’s Order on Composition of the Trial Chamber of 10 September 2013, 25 October 2013, paras 13-14.

## **DISPOSITION**

**FOR THESE REASONS;**

**PURSUANT** to Rules 60 *bis* (M) and 30 (B) of the Rules and Article 2 of the Practice Direction;

**I**

**DESIGNATE** an Appeals Panel in this case; and

**ORDER** that this Appeals Panel be composed as follows:

Judge Afif Chamseddine, Presiding

Judge Janet Nosworthy

Judge Ivana Hrdličková.

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

Dated 14 November 2014

Leidschendam, the Netherlands



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Judge David Baragwanath  
President

