

**THE CONTEMPT JUDGE**

Case No.: STL-14-06/PT/CJ
Before: Judge Nicola Lettieri, Contempt Judge
Registrar: Mr Daryl Mundis, Registrar
Date: 6 February 2015
Original language: English
Classification: Public

IN THE CASE AGAINST

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

DECISION ON REQUESTS FOR EXTENSION OF TIME

***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. On 27 January 2015, I issued a Scheduling Order on Pre-Trial Proceedings, which set certain filing deadlines for the Parties, including that the *Amicus Curiae* Prosecutor (“*Amicus*”) file his pre-trial brief and any motions for admission into evidence of written statements under Rule 155 or Rule 156 of the Tribunal’s Rules of Procedure and Evidence (“Rules”) by 12 February 2015. I also ordered that the statements of any proposed expert witnesses be filed by the Parties by 27 February 2015.¹

2. On 29 January 2015, the *Amicus* requested an extension until 6 March 2015 to file his pre-trial brief and motions for admission into evidence of Rule 155 or Rule 156 statements.² In support of his request, the *Amicus* asserted, *inter alia*, that trial is likely a “number of months away”, that two weeks is an exceedingly short time to file the particular documents at issue, especially in light of on-going preparations in case STL-14-05, and that he did not know until very recently that a corporate accused would be part of these proceedings.³ The *Amicus* presented additional reasons in a confidential and *ex parte* annex.⁴ He also proposed that relevant Defence deadlines be extended commensurately.⁵

3. In its response, the Defence does not oppose the *Amicus* Request, but seeks a related extension until 1 April 2015 for any responses to *Amicus* motions for admission into evidence of Rule 155 or Rule 156 statements and 8 April 2015 for its pre-trial brief.⁶ Such extension would be greater than one commensurate with the extension sought by the *Amicus*. Further, the Defence requests that the filing date for its expert statements under Rule 161 (A) be no less than one and a half months from the date on which the *Amicus* discloses the information currently subject to protective measures in my “Decision on the *Amicus Curiae* Prosecutor’s Application for Protective Measures and Non-Disclosure” of 26 August 2014.⁷ The Defence asserts that *Amicus* disclosure in regards to such information has been insufficient for its investigative requirements, and that it therefore has not been able to “establish any adequate terms of reference for the work

¹ STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/PT/CJ, F0073, Scheduling Order on Pre-Trial Proceedings, 27 January 2015. All further references to filings and decisions relate to this case number unless otherwise stated.

² F0074, Request by *Amicus Curiae* for Extension of Time, 29 January 2015 (“*Amicus* Request”).

³ *Id.* at paras 5-8.

⁴ *Id.* at paras 6, 9; *Id.* at Annex A, Confidential and *Ex Parte*.

⁵ *Id.* at para. 10.

⁶ F0076, Filing from Assigned Counsel Following the “Request by *Amicus Curiae* for Extension of Time” Dated 29 January 2015, 3 February 2015 (“Defence Response”).

⁷ *Id.* at paras 9-14.

of an expert”.⁸ Moreover, the Defence claims that it has not yet had time to review certain other *Amicus* disclosure, and thus does not know whether an expert is necessary with respect to that material.⁹

4. The *Amicus* has informed me that he does not object to the Defence requests.¹⁰

5. Pursuant to Rule 9 (A) (i), I may, *proprio motu* or on good cause being shown, reduce or enlarge filing deadlines.¹¹ Here, I am not persuaded by the *Amicus*'s submissions in regards to his parallel general preparations for case STL-14-05 and the reinstatement of *Akhbar Beirut* S.A.L. as an Accused. The *Amicus* has had significant time to undertake pre-trial preparations in both proceedings, including those necessary with respect to *Akhbar Beirut* S.A.L. However, the *Amicus* has presented additional circumstances, concerning specific time and resource intensive matters to which he is attending, that justify his request. Furthermore, the extension would not result in prejudice to the Defence, which in any case does not oppose the *Amicus* Request. I am therefore granting the *Amicus* Request and setting new filing dates accordingly.

6. In so doing, I am extending Defence filing dates commensurate with the *Amicus*'s extension. The Defence, however, seeks an even greater extension for filing its pre-trial brief and responses to Rule 155 or 156 motions. Yet the Defence gives no reason why it requires such extra time.¹² Moreover, the time period established here between the Parties' respective filing deadlines is similar to that applied in case STL-14-05.¹³ I dismiss the Defence request in this regard.

7. I am also not persuaded that the Defence has shown good cause for an extension of time with respect to the disclosure of the statements of proposed expert witnesses. In particular, the Defence has not explained why the summaries of *Amicus* witness statements subject to protection orders are “insufficient” for its investigative requirements such that it cannot “establish any adequate terms of reference for the work of an expert”.¹⁴ Nor does the Defence substantiate its claim that it has not had time to review allegedly recently disclosed information

⁸ Defence Response, para. 13.

⁹ *Id.* at para. 12.

¹⁰ See e-mail from the *Amicus* to Legal Officer of the Contempt Judge, 4 February 2015.

¹¹ Rule 9 (A) (i) STL RPE.

¹² Defence Response, paras 7-8.

¹³ See STL, *In the case against New TV S.A.L. and Khayat*, STL-14-05/PT/CJ, F0061, Decision on *Amicus Curiae* Prosecutor's Request for Leave to Amend Order in Lieu of an Indictment and Scheduling Order, 7 October 2014.

¹⁴ See Defence Response, paras 11, 13.

and that review of such disclosure would impact its preparations.¹⁵ I therefore reject this Defence request.¹⁶

¹⁵ See Defence Response, paras 12-13.

¹⁶ See STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/AC/AR126.8, F0008, Decision on Appeal by Counsel for Mr Merhi Against the Trial Chamber's Decision on the Resumption of Trial Proceedings, 5 June 2014, para. 20 (on the need for specificity); STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/PRES, F1618, Decision on the Head of Defence Office "Request to Change the Conditions Imposed by the Decisions of 21 December 2012 and 27 March 2013 Relating to the Assignment of Mr Nashabe", 14 July 2014, para. 18 (on the insufficiency of conclusory assertions).

DISPOSITION**FOR THESE REASONS;****PURSUANT** to Rule 9 (A) of the Rules,**I****GRANT** the *Amicus* Request;**DENY** the requests in the Defence Response in part; and**ORDER** that

- The *Amicus* shall file a pre-trial brief, as well as any motions for admission into evidence of Rule 155 or Rule 156 written statements, by 6 March 2015;
- Expert statements pursuant to Rule 161 (A), and any witness statements covered by my “Decision on the *Amicus Curiae* Prosecutor’s Application for Protective Measures and Non-Disclosure” of 26 August 2014, must be disclosed to the other Party, subject to the Rules, in unredacted form no later than 23 March 2015;
- The Defence shall file any response to an *Amicus* motion for admission into evidence of Rule 155 or Rule 156 written statements by 23 March 2015;
- The Defence shall file a pre-trial brief by 30 March 2015;
- Any notice in response to expert witness statements under Rule 161 (B) shall be filed by 8 April 2015.

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

Dated 6 February 2015

Leidschendam, the Netherlands



Judge Nicola Lettieri
Contempt Judge

