

THE CONTEMPT JUDGE

Case No.: STL-14-06/PT/CJ
Before: Judge Nicola Lettieri, Contempt Judge
Registrar: Mr Daryl Mundis, Registrar
Date: 2 April 2015
Original language: English
Classification: Public

IN THE CASE AGAINST

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

**DECISION ON DEFENCE APPLICATION FOR DISCLOSURE OF THE
STATEMENT OF A FORMER PROSECUTION WITNESS**

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

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



1. I am seized of a motion by the Defence, requesting that I order the *Amicus* Prosecutor (“*Amicus*”) to disclose the statement of a witness who the *Amicus* originally intended to testify in this case but later withdrew from his witness list.¹ The Defence argues that even though the witness is not scheduled to testify anymore, it has a right to inspect the statement pursuant to Rule 110 (B) of the Rules of Procedure of Evidence (“Rules”) given that it is “material to the preparation of the Defence”.²

2. The *Amicus* responds that he does not oppose the Request and that he is willing to let the Defence inspect the statement. He states that the Defence never requested disclosure of the document.³

3. In light of the *Amicus*’s Response, I find that the Request is moot and there is no need for me to address this matter any further. However, I note the following. Under Rule 110 (B),⁴ the Prosecutor must, “on request”, permit the Defence to inspect certain documents and objects in the Prosecutor’s custody or control, which are material to the preparation of the defence. Here, it appears that the Defence never made such a request. This is regrettable, because it would have avoided needless litigation, which puts a strain on the scarce time and resources of the parties and the Court. I strongly encourage both parties to attempt resolving any contentious matter, especially as regards disclosure, *before* seizing the Court.

DISPOSITION

FOR THESE REASONS;

PURSUANT to Rules 60 *bis* (H) and 110 (B);

I

DECLARE the Request moot.

¹ STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/PT/CJ, F0091, *Requête de la défense aux fins de divulgation de la déclaration d’un ancien témoin à charge*, Confidential with Confidential Annexes, 31 March 2015 (“Request”). A public redacted version was filed the same day. All further references to filings and decisions relate to this case number unless otherwise stated.

² Request, paras 17-22.

³ F0092, Response to “*Requête de la défense aux fins de divulgation de la déclaration d’un ancien témoin à charge*”, 1 April 2015, paras 1-3, 5.

⁴ Applicable *mutatis mutandis* in these proceedings (*see* Rule 60 *bis* (H)).

Done in Arabic, English and French, the English version being authoritative.
Dated 2 April 2015
Leidschendam, the Netherlands



Judge Nicola Lettieri
Contempt Judge

