

THE CONTEMPT JUDGE

Case No.: STL-14-06/PT/CJ
Before: Judge Nicola Lettieri, Contempt Judge
Registrar: Mr Daryl Mundis, Registrar
Date: 15 June 2015
Original language: English
Classification: Public

IN THE CASE AGAINST

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

**ORDER ON DEFENCE REQUEST FOR AUTHORIZATION TO INSPECT
CONFIDENTIAL DOCUMENTS IN THE *AL JADEED* CASE**

***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. Counsel for the Accused have submitted a request to “inspect all the confidential documents in the case of *Al Jadeed* [STL-14-05]”.¹ Specifically, they seek access to transcripts of hearings held in closed session and private session; exhibits, submissions filed by the parties, decisions rendered and any other confidential documents. They also seek access to *ex parte* material.² The *Amicus Curiae* Prosecutor (“*Amicus*”) has responded that the Request be dismissed.³

2. I note that the proceedings in this case are entirely separate from those in the STL-14-05 case. In general, a request for access to confidential materials should be filed in the proceedings from which they are sought. This is because the chamber which is seized of those proceedings is best situated to assess whether a request to access confidential materials should be granted. Indeed, in many instances it is that chamber which ordered the relevant materials to be made confidential in the first place. Moreover, the parties in the proceedings from which these materials are sought should be put on notice and given a chance to respond.

3. Here, the proper forum to address counsel’s Request is the proceedings in the STL-14-05 case.⁴ I therefore refer the Request to the Contempt Judge in those proceedings. I note that it is irrelevant that I am the Judge in both proceedings for the reasons given above. I also note that the *Amicus* responded to the Request on the merits. However, because I refer the Request to the STL-14-06 case, any response to the Request should be filed in that case.

4. Finally, counsel filed the Request confidentially, without providing any explanation for doing so.⁵ I find there is no reason to maintain the confidentiality of the Request and order counsel to file a public version, with appropriate redactions if necessary. I also file this decision publicly.

¹ STL, *In the case against Akhbar Beirut S.A.L and Al Amin*, STL-14-06/PT/CJ, F0098, Defence Request for Authorisation to Inspect Confidential Documents in the *Al Jadeed* Case, Confidential, 1 June 2015 (“Request”), para. 1.

² Request, para. 8.

³ STL, *In the case against Akhbar Beirut S.A.L and Al Amin*, STL-14-06/PT/CJ, Response to Defence Request for Authorisation to Inspect Confidential Documents in the *Al Jadeed* Case, Confidential, 12 June 2015.

⁴ Cf. STL, *In the case against New TV S.A.L. and Khayat*, STL-14-05/PT/CJ, F0116, Decision on the *Amicus Curiae* Prosecutor’s Request to Lift the Confidentiality of an Order, Confidential, 31 March 2015 (referring a request to lift the confidentiality of a decision in the STL-11-01 case to the Trial Chamber seized of that case); see also *Prosecutor v. Ayyash et al.*, STL-11-01/T/TC, F1914, Decision on *Amicus Curiae* Prosecutor’s Request to Lift the Confidentiality of an Order, 17 April 2015.

⁵ See Art. 6 (2), Practice Direction on Filing of Documents Before the Special Tribunal for Lebanon, STL/PD/2010/01/Rev.2, 14 June 2013.

DISPOSITION

FOR THESE REASONS,

I

REFER the Request to the Contempt Judge in the case STL-14-05; and

ORDER counsel to file a public redacted version of the Request.

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

Dated 15 June 2015

Leidschendam, the Netherlands



Judge Nicola Lettieri
Contempt Judge

