

THE CONTEMPT JUDGE

Case No.: STL-14-06/PT/CJ
Before: Judge Nicola Lettieri, Contempt Judge
Registrar: Mr Daryl Mundis, Registrar
Date: 18 February 2016
Original language: English
Classification: Public

IN THE CASE AGAINST

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

ORDER ON THE CONDUCT OF PROCEEDINGS

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

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




INTRODUCTION

1. On 18 December 2015, I ordered the Parties to make opening statements and the *Amicus* to present his case-in-chief from 24-26 and from 29 February 2016 to 1 March 2016, as needed.¹
2. On 25 January 2016, I ordered that the Defence shall present its case, if any, from 7-8 and 11-13 April 2016.²
3. Having heard the Parties and in order to facilitate the proper administration of this trial, I give the following directions on the conduct of proceedings under Rule 130 (A) of the Tribunal's Rules of Procedure and Evidence. These guidelines supplement the Tribunal's Statute.

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

Dated 18 February 2016

Leidschendam, the Netherlands



Judge Nicola Lettieri
Contempt Judge

¹ STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/PT/CJ, F0164 Public Redacted Version of Decision on Motions to Amend the Amicus Curiae Prosecutor's Exhibit and Witness Lists, 18 December 2015, p. 12. All further references to filings and decisions refer to this case number unless otherwise stated.

² F0176, Scheduling Order, 25 January 2016, p. 2.

GUIDELINES ON THE CONDUCT OF PROCEEDINGS

A. Witnesses

1. Each Party must submit to the Contempt Judge and to the opposing Party a complete schedule of the witnesses it intends to call before the commencement of its case.

B. Notification and disclosure of documents

2. The Parties must upload into the Tribunal's Legal Workflow system any document or record that they intend to use when questioning a witness in court.
3. Before the commencement of its case, each Party must disclose to the opposing Party and to the Contempt Judge a list of the documents and records that it intends to present in court in its examination-in-chief.
4. The Parties must notify the Contempt Judge if, in the course of the presentation of their case-in-chief, they wish to present a document in court which was not on their list. The Parties must show good cause to do so, including outlining measures taken to limit any prejudice to the opposing Party.
5. Each Party must disclose to the opposing Party and to the Contempt Judge a list of the documents and records that it intends to use in cross-examining a witness. This must occur immediately after the questioning of the witness in examination-in-chief is concluded.
6. The Contempt Judge cautions the Parties against listing documents and records that they will not use during the questioning of a witness.
7. In general, the Contempt Judge will hear submissions from the Parties about the admissibility of documents and records presented through witnesses at the end of their testimony.

C. *Questioning witnesses, examining, cross-examining and re-examining witnesses*

8. The Contempt Judge may question witnesses at any time and may, when the interests of justice require, vary the order of questioning.
9. Where a Party calls a witness, it shall question the witness first. The opposing Party may put questions to the witness after the examination-in-chief.
10. The Party calling the witness may re-examine the witness, in principle, only about matters that have arisen during the cross-examination.

E. *Contact with witnesses*

11. The Parties must not communicate with a witness after the witness has made the solemn declaration under Rule 150 (A) or commenced testifying under Rule 150 (B). The Contempt Judge may allow contact, on the application of a Party, in a manner suitably regulated.
12. Any new information material to the proceedings and any information falling within Rule 113 on disclosure of exculpatory material obtained by the *Amicus* in preparing a witness for testimony, must be promptly disclosed to the opposing Party and the Contempt Judge in a suitable form. Disclosure must occur as soon as practicable the day before the witness' expected testimony.

F. *Use of Time*

13. In accordance with the estimation submitted,³ the *Amicus* is anticipated not to exceed 15 hours for the presentation of his examination-in-chief. The time for the cross-examination of the witnesses called by the *Amicus* is anticipated not to exceed 16 hours.⁴
14. The Registry shall record the time used by the Parties.

³ Email from Amicus to Chambers Legal Officer of 17 February 2016.

⁴ Email from Counsel for the Accused to Chambers Legal Officer of 18 February 2016.

G Case presentation

15. The *Amicus* shall present his case from 24-26 and from 29 February 2016 to 1 March 2016, as needed. The Defence may present its case 7-8 and 11-13 April 2016.
16. In accordance with their estimate each Party is not to exceed 1 hour for the presentation of its opening statement at the commencement of the trial.⁵
17. The *Amicus* shall start the presentation of his case-in-chief immediately after the opening statements.
18. The Defence, should it decide to present a case, must, within seven days after the close of the *Amicus*'s case-in-chief:
 - a. submit to the *Amicus* and to the Contempt Judge its witness and exhibit lists;
 - b. permit the *Amicus* to inspect and copy any material in its custody or control which it intends to use as evidence in its case pursuant to Rule 112 (A) (i);
 - c. provide the *Amicus* with copies of all witness statements pursuant to Rule 112 (A) (ii); and
 - d. notify the *Amicus* if it intends to use a defence of alibi or any special defence pursuant to Rule 112 (B) (i) (a) and (b).
19. The Parties shall submit their final briefs 14 days after the presentation of all the evidence.
20. Seven days after the submission of the final briefs, each Party shall present its closing arguments in court. In doing so, the Parties shall strive to respond to the opposing Party's final brief, avoiding the repetition of arguments put forward in their final briefs.

⁵ Email from Amicus to Chambers Legal Officer of 17 February 2016; Email from Counsel for the Accused to Chambers Legal Officer of 18 February 2016.

G. Courtroom schedule

21. On 24 February 2016, the courtroom schedule will be:

9:30 – 11:00

11:30 – 13:00

14:30 – 16:00

16:30 – 18:00

The schedule for all other sessions will be:

9:00 – 10:30

11:00 – 12:30

14:00 – 15:30

16:00 – 17:30

