

SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

THE CONTEMPT JUDGE

Case No.: STL-14-06/T/CJ
Before: Judge Nicola Lettieri, Contempt Judge
Registrar: Mr Daryl Mundis, Registrar
Date: 29 March 2016
Original language: English
Classification: Public

IN THE CASE AGAINST

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

**DECISION ON OPPOSED DEFENCE MOTION FOR RECLASSIFICATION OF
CONFIDENTIAL FILING**

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. In a previous decision relating to the Defence's Motion for Sanctions¹, I ordered the parties to file public redacted versions of their confidential filings.²

2. The *Amicus Curiae* Prosecutor ("*Amicus*") has filed a public redacted version of its Response to the Motion for Sanctions and in a related decision, I granted the *Amicus*'s motion to reclassify to public his Request for Relief Concerning 'Demande d'autorisation de dépôt d'une réplique à la réponse du Procureur *Amicus Curiae* à la demande de sanction pour manquement à ses obligations de communication' dated 16 February 2016.³ The Defence has also filed a corrected and public redacted version of "Demande d'autorisation de dépôt d'une réplique à la réponse du Procureur *Amicus Curiae* à la demande de sanction pour manquement à ses obligations de communication" as well as Annex A to the Reply.⁴ Pursuant to Article 7 of the relevant Practice Direction, the Defence now requests that I reclassify to public⁵ the confidential "Request for Leave to File a Reply to the *Amicus Curiae* Prosecutor's Response to the Motion for Sanctions for Failing to Comply with his Disclosure Obligations" ("Request for Leave to File a Reply") and its confidential Annex B.⁶

3. The *Amicus* opposes the reclassification of the Request for Leave to File a Reply, noting that there is information contained in paragraph seven of the document which would tend to

¹ STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/PT/CJ, F1080, Corrected Version of the "Motion for Sanctions Against the *Amicus Curiae* Prosecutor for Failing to Comply With His Disclosure Obligations" Dated 10 February 2015, 17 February 2016 ("Motion for Sanctions"). All further references to filings and decisions refer to this case number unless otherwise stated.

² F197, Public Redacted Version of Decision on Defence Request for Sanctions Against the *Amicus Curiae* Prosecutor for Failing to Comply with Disclosure Obligations, 9 March 2016, p. 10.

³ F0211, Decision on Motion for Reclassification of Confidential Filing, 9 March 2016.

⁴ F0187, Version publique expurgée de l' « Annex A – Réplique à la Réponse du Procureur *Amicus curiae* à la demande de sanction pour manquement à ses obligations de communication » datée du 16 février 2016, 18 March 2016.

⁵ F0213, Request for Reclassification of the "Request for Leave to File a Reply to the *Amicus Curiae* Prosecutor's Response to the Motion for Sanctions for failing to Comply with his Disclosure Obligations" dated 16 February 2016, 18 March 2016 ("Request").

⁶ Request for Leave to File a Reply to the *Amicus Curiae* Prosecutor's Response to the Motion for Sanctions for Failing to Comply with his Disclosure Obligations, Confidential, 16 February 2016; F0187, Confidential Annex B, Confidential, 16 February 2016.

identify a protected witness.⁷ The *Amicus* has not provided any submissions with respect to the reclassification of confidential Annex B.

4. Having reviewed the Request, I agree that there is information contained in the Request for Leave to File a Reply that is subject to protective measures and thus the unredacted document must remain confidential and I order the Defence to file a properly redacted version of this filing. However, I am satisfied that confidential Annex B does not contain information that should remain confidential and I therefore order the reclassification of that filing to public.

DISPOSITION

FOR THESE REASONS;

PURSUANT TO Articles 7 (5) (e) and 7 (6) of the Practice Direction;

I

GRANT the Motion in part;

ORDER the reclassification of Confidential Annex B (F0187) from confidential to public;

ORDER the Defence to file a public redacted version of its Request for Leave to File a Reply (F0187); and

DISMISS the Motion in all other respects.

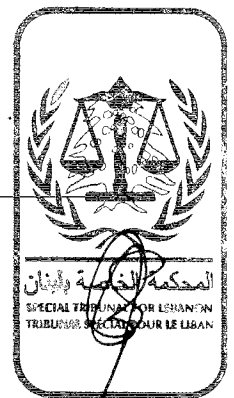
Done in Arabic, English and French, the English version being authoritative.

Dated 29 March 2016

Leidschendam, the Netherlands



Judge Nicola Lettieri
Contempt Judge



⁷ F0219, Consolidated Response to Two Requests for Reclassification of 18 March 2016, Confidential, 22 March 2016, para. 3.