

THE CONTEMPT JUDGE

Case No.: STL-14-06/ES/CJ
Before: Judge Nicola Lettieri, Contempt Judge
Registrar: Mr Daryl Mundis, Registrar
Date: 11 October 2016
Original language: English
Classification: Public

IN THE CASE AGAINST

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

ORDER ON PAYMENT OF FINE PURSUANT TO RULE 135

***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. As Contempt Judge, I am in receipt of a “Registry Submission Pursuant to Rule 48 (C) in Relation to the Service on the Accused of the Reasons for Sentencing Judgment” filed on 5 October 2016.¹

2. On 15 July 2016, I issued the Judgment in this case², in which I convicted Mr Ibrahim Mohamed Al Amin and *Akhbar Beirut* S.A.L. of one count of interference with the administration of justice for the publication of two articles in print and online purporting to identify 32 alleged confidential Tribunal witnesses. On 29 August 2016, a sentencing hearing was held and I imposed a fine of 20,000 Euros on Mr Al Amin and a fine of 6,000 Euros on *Akhbar Beirut* S.A.L., to be paid by 30 September 2016.³ I issued my reasons for the sentence on 5 September 2016.⁴

3. In the Registry Submission, the Registrar confirms that the Lebanese authorities made numerous attempts to personally serve the English and Arabic-language copies of the Sentencing Judgment on both Accused, as required in the Reasons for Sentencing⁵, but to no avail because “Mr Al Amin and the representatives for *Akhbar Beirut* S.A.L. refused service when contacted by telephone”.⁶ Lebanese authorities eventually succeeded in effecting service on both Accused by way of the “exceptional service methods” provided for under Article 149 of the Lebanese Code of Criminal Procedure.⁷ In brief, after unsuccessfully attempting personal service on Mr Al Amin and the corporate representatives of *Akhbar Beirut* S.A.L., Lebanese authorities posted both versions of the Sentencing Judgment on the wall of Mr Al Amin’s last address, and on the glass of the information desk of the building in which *Akhbar Beirut* S.A.L. is headquartered, both in the presence of the Mukhtar.⁸

¹ STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/ES/CJ, Registry Submission Pursuant to Rule 48 (C) in Relation to the Service on the Accused of the Reasons for Sentencing Judgment, Public with Confidential Annexes, 5 October 2016 (“Registry Submission”). All further references to filings and decisions refer to this case number unless otherwise stated.

² F0262, Public Redacted Version of Judgment, 15 July 2016 (“Judgment”).

³ STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/S/CJ, Sentencing Proceedings, 29 August 2016, p. 34.

⁴ F0265, Reasons for Sentencing Judgment, 5 September 2016.

⁵ Rule 168(F) states that “Where an accused has been acquitted or convicted, the Registrar shall take all reasonable steps to notify him of the judgment and sentence, if any.” Article 15(2) of the Agreement provides that “the Government shall comply without undue delay with any request for assistance [...] or an order issued by the Chambers.”

⁶ Registry Submission, para. 3.

⁷ *Ibid.*

⁸ *Ibid.*

4. The Registrar has further confirmed that payment of the 20,000 Euro fine imposed on Mr Al Amin and the 6,000 Euro fine imposed on *Akhbar Beirut* S.A.L. was not received by the deadline of 30 September 2016.⁹

5. I note that, in such a case, Rule 135 of the Rules of Procedure and Evidence of the Tribunal (“Rules”) provides a wide range of possible actions, progressive in severity, namely, at paragraph B, “[w]here a fine imposed under Rules 60 *bis* or 152 is not paid within the time specified, the Contempt Judge imposing the fine may issue an order requiring the person on whom the fine is imposed to appear before, or to respond in writing to, the Tribunal to explain why the fine has not been paid.” Paragraph (C) of the same Rule provides that, “[a]fter affording the person on whom the fine is imposed an opportunity to be heard, the Contempt judge may make a decision that appropriate measures be taken, including: (i) extending the time for payment of the fine; (ii) requirement of the payment of the fine to be made in instalments; ... (iv) converting the whole or part of the fine to a term of imprisonment not exceeding twelve months.” Paragraph (D) of the Rule provides that, “[i]n addition to a decision under paragraph (C), the Contempt Judge may fine the person in contempt of the Tribunal and impose a new penalty, applying Rule 60 *bis* (H), if that person was able to pay the fine within the specified time and has wilfully failed to do so. This penalty for contempt of the Tribunal shall be additional to the original fine imposed.” Finally, paragraph (E) provides that “[t]he Contempt Judge may, if necessary, issue a warrant of arrest to secure the person’s presence where he fails to appear before or respond in writing pursuant to an order under paragraph (B). A State or authority to whom such a warrant is addressed shall, subject to Rules 20 and 21, act promptly and with all due diligence to ensure proper and effective execution thereof.”

6. Based upon the information contained within the Registry Submission and according to the procedure laid out in Rule 135, I find that both Accused have failed to pay the fines imposed under Rules 60 *bis* (J) and 172 (B) within the time specified. Accordingly, I order – as a first step – both Accused to provide their written submissions to the Tribunal to explain why the fine has not been paid and, if they so request, to justify why the fine should be made in instalments or an extension granted.

⁹ Registry Submission, para. 4.

DISPOSITION

FOR THESE REASONS;

PURSUANT TO Rule 135;

I

ORDER the Registry to provide an Arabic and English-language copy of this Order to the Lebanese authorities for service on both Accused in accordance with Lebanese law;

REITERATE the obligation of Mr Al Amin and *Akhbar Beirut* S.A.L. to pay the fines imposed on them in the Sentencing Judgment and consequently require that Mr Al Amin and *Akhbar Beirut* S.A.L., or an agent acting on either of their behalf, transfer the funds to pay the fine to the Tribunal's Registry forthwith;

ORDER Mr Al Amin and *Akhbar Beirut* S.A.L. to file, by no later than 14 days following service of this Order in accordance with Lebanese law, a written response under the procedure laid out in Rule 135 (B), in the event that the fine has not been paid in accordance with the foregoing paragraph; and

INVITE the Parties and the Registry to file any submissions with respect to the consequences of the Accused's failure to pay the fines as stipulated in the Sentencing Judgment no later than 28 October 2016.

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

Dated 11 October 2016

Leidschendam, the Netherlands



Judge Nicola Lettieri
Contempt Judge

