

**THE CONTEMPT JUDGE**

Case No.: STL-14-06/ES/CJ
Before: Judge Nicola Lettieri, Contempt Judge
Registrar: Mr Daryl Mundis, Registrar
Date: 12 October 2018
Original language: English
Classification: Public

IN THE CASE AGAINST

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

ORDER LIFTING CONFIDENTIALITY

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

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

The Accused:
Akhbar Beirut S.A.L.
Ibrahim Mohamed Al Amin



I, Judge Nicola Lettieri, Contempt Judge of the Special Tribunal for Lebanon (“Tribunal”) in the present matter,

NOTING the Judgment issued on 15 July 2016, in which I convicted Mr Al Amin and *Akhbar Beirut S.A.L.* of one count of interference with the administration of justice in contravention of Rule 60 *bis* of the Tribunal’s Rules of Procedure and Evidence (“Rules”) for the publication of two articles in print and online purporting to identify a total of 32 alleged confidential Tribunal witnesses;¹

NOTING that I subsequently imposed a fine of €20,000 on Mr Al Amin and a fine of €6,000 on *Akhbar Beirut S.A.L.*, to be paid by 30 September 2016;²

NOTING the Order on Seizure of Assets issued on 6 December 2016³ and the Order to Lebanese Authorities on Request for Information issued on 20 March 2017⁴ in which I ordered the Lebanese authorities to take active steps towards enforcing the sentence imposed on Mr Al Amin and on *Akhbar Beirut S.A.L.*;

NOTING the Decision on Fine Conversion⁵ and the Warrant of Arrest⁶, both issued on 16 July 2018, by virtue of which I ordered the arrest of Mr Al Amin in order to purge his sentence in the present matter following a continued failure to pay the fine imposed upon him and non-enforcement of the Order on Seizure of Assets;

CONSIDERING that, the fine imposed on Mr Al Amin having been fully purged⁷, it is appropriate to lift the confidentiality of the various orders and decisions issued in this matter;

¹ STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/T/CJ, F0262, Public Redacted Version of the Judgment, 15 July 2016 (“Judgment”).

² STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/T/CJ, Sentencing Proceedings, 29 August 2016, p. 34; *see also*, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/T/CJ, F0265, Reasons for Sentencing Judgment, 5 September 2016.

³ STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/ES/CJ, F0274, Public Redacted Version of Order on Seizure of Assets, 12 October 2018 (“Order on Seizure of Assets”). All further references to filings and decisions refer to this case number unless otherwise stated.

⁴ F0276, Order to Lebanese Authorities on Request for Information Concerning the Enforcement of Sentence, 20 March 2017 (“Order to Lebanese Authorities on Request for Information”).

⁵ F0283, Public Redacted Version of Decision on Fine Conversion, 12 October 2018 (“Decision on Fine Conversion”).

⁶ F0284, Public Redacted Version of Warrant of Arrest and Order to Transfer and Detain Mr Ibrahim Mohamed Ali Al Amin, 12 October 2018 (“Warrant of Arrest”).

⁷ As indicated in the Warrant of Arrest at p.3 and paragraph 27 of the Decision on Fine Conversion, full payment of the fine imposed on Mr Al Amin at any time before or during execution of the arrest warrant would have sufficed to immediately annul the warrant. Prior to execution of the arrest warrant, the full fine amount was deposited with the Registry of the Tribunal on 14 August 2018.

REITERATING, in relation to *Akhbar Beirut S.A.L.*, that the enforcement of penalties imposed by the Tribunal is vital to achieving the sentencing principles of retribution and deterrence of crimes against the administration of justice⁸ and that on 16 July 2018, I once again recalled the ongoing need to enforce the sentence imposed on this corporation;⁹

CONSIDERING that all decisions and orders issued during the enforcement of sentence proceedings remained confidential in order to facilitate and protect the integrity of any efforts made towards enforcement of the sentence imposed in this matter along with the privacy of the Accused and third parties;

RECALLING the principle of publicity emphasized by the Appeals Chamber in affirming that confidential decisions can only be justified for exceptional reasons and for a limited time; and

FINDING that no reason currently exists to maintain the confidential and *ex parte* classification of the Order on Seizure of Assets, Order to Lebanese Authorities on Request for Information, Decision on Fine Conversion and the Warrant of Arrest, such that the respective public redacted versions, where required, shall be issued henceforth.

⁸ Order on Seizure of Assets, para. 19.

⁹ Decision on Fine Conversion, para. 28.

DISPOSITION**FOR THESE REASONS,****PURSUANT** to Rule 77 (E)**I****ORDER** that the classification of the Order to Lebanese Authorities on Request for Information, 20 March 2017 (F0276) be changed from Confidential and *Ex Parte* to Public;**DECIDE** that public redacted versions of the following documents shall be issued:

- Order on Seizure of Assets, 6 December 2016 (F0274);
- Decision on Fine Conversion, 16 July 2018 (F0283); and
- Warrant of Arrest (F0284); and

ORDER the Registry to file public redacted versions of the “Registry Submission Pursuant to Rule 48(C) Providing Correspondence from the Government of the Republic of Lebanon” filed on 9 August 2018 (F0285), 11 May 2018 (F0282), 26 February 2018 (F0281), 2 February 2018 (F0280), 10 August 2017 (F0279), 12 June 2017 (F0278), 10 May 2017 (F0277), 13 March 2017 (F0275), 23 November 2016 (F0273), and 17 November 2016 (F0272).

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

Dated 12 October 2018

Leidschendam, the Netherlands



Judge Nicola Lettieri

Contempt Judge

