

**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

**PUBLIC REDACTED VERSION OF THE CORRECTED “DECISION ON FINE
CONVERSION” OF 16 JULY 2018**

The authorities of the Lebanese Republic



INTRODUCTION

1. The present order enacts further measures towards enforcement of the sentence imposed on Mr Ibrahim Mohamed Ali Al Amin (“Al Amin”) in the present matter and in follow-up to the Order to Lebanese Authorities on Request for Information Concerning the Enforcement of Sentence, which I issued as Contempt Judge.¹

BACKGROUND

2. On 15 July 2016, I issued the Judgment in this case,² in which I convicted Mr 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 a total of 32 alleged confidential Tribunal witnesses. On 29 August 2016, a sentencing hearing was held and I 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 2016.³ I issued the Sentencing Judgment on 5 September 2016.⁴

3. On 11 October 2016, I issued the Order on Payment of Fine Pursuant to Rule 135⁵ of the Tribunal’s Rules of Procedure and Evidence (“Rules”) which required Mr Al Amin and *Akhbar Beirut* S.A.L. to provide written submissions with respect to their failure to pay their fines within the stipulated timelines. I ordered the Registry to provide an Arabic and English-language copy of the Fine Order to the Lebanese authorities for service on both convicted persons in accordance with Lebanese law. I also invited the Parties and the Registry to provide their submissions on the consequences of the failure to pay the fines no later than 28 October 2016.⁶ Neither Mr Al Amin nor *Akhbar Beirut* S.A.L. provided submissions.⁷

¹ STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/ES/CJ, F0276, Order to Lebanese Authorities on Request for Information Concerning the Enforcement of Sentence, Confidential and *Ex Parte*, 20 March 2017 (“Order on Request for Information”). All further references to filings and decisions refer to this case number unless otherwise stated.

² 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”).

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 STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/S/CJ, F0265, Reasons for Sentencing Judgment, 5 September 2016 (“Sentencing Judgment”).

⁵ F0269, Order on Payment of Fine Pursuant to Rule 135, 11 October 2016; Corrigendum to “Order on Payment of Fine Pursuant to Rule 135”, 12 October 2016; Corrected Version of “Order on Payment of Fine Pursuant to Rule 135”, 12 October 2016 (“Fine Order”).

⁶ Fine Order, p. 3.

⁷ F0274, Order on Seizure of Assets, Confidential, 6 December 2016 (“Order on Seizure of Assets”), para. 14.

4. On 6 December 2016, I issued the Order on Seizure of Assets requesting that the Lebanese authorities provide their full cooperation in the enforcement of the Sentencing Judgment. I requested that all necessary steps be taken, in accordance with Lebanese law, to collect the equivalent funds of €20,000 from Mr Al Amin and €6,000 from *Akhbar Beirut* S.A.L. through the freezing, seizure or confiscation of assets belonging to each convicted person or any other legal measure available in Lebanese law, and to forward any and all amounts collected to the Tribunal's Registry.⁸ I also requested that the competent authorities of the Lebanese Republic provide me with a report on their efforts towards implementing the Order on Seizure of Assets within sixty days of its receipt.⁹

5. The Order on Seizure of Assets, along with its associated materials, was translated and served on the Government of the Lebanese Republic on 13 December 2016.¹⁰ The deadline for the receipt of submissions from the Lebanese authorities was therefore 11 February 2017. On 28 February 2017, the Tribunal's Registry received correspondence from the Ministry of Justice of the Lebanese Republic dated 27 February 2017 indicating, *inter alia*, that the execution of the Order on Seizure of Assets had been referred to [REDACTED].¹¹

6. In order to be fully briefed on actions carried out thus far and to determine which further steps would be necessary to ensure the timely execution of the Order on Seizure of Assets and, ultimately, the enforcement of the sentences imposed in this matter, I requested the relevant Lebanese authorities to provide their responses in writing to three sets of questions contained in the Disposition of the Order on Request for Information, no later than 10 April 2017.¹² Such questions related to the steps taken by the respective Ministries to collect funds, the information ascertained with respect to the financial status and assets of Mr Al Amin and *Akhbar Beirut* S.A.L. and the applicable Lebanese law and policies followed in

⁸ Order on Seizure of Assets, para. 21 and Disposition, p. 9.

⁹ Order on Seizure of Assets, Disposition, p. 9.

¹⁰ F0275, Registry Submission Pursuant to Rule 48(C) Providing Correspondence Received from the Government of the Republic of Lebanon, Confidential and *Ex Parte*, 13 March 2017 ("First Registry Submission"), para. 2.

¹¹ First Registry Submission, para. 4; *see also* F0275, Corrected Version of the "Annex to Registry Submission Pursuant to Rule 48(C) Providing Correspondence Received from the Government of the Republic of Lebanon" Dated 13 March 2017, Confidential, 16 March 2017, pp. 10-11.

¹² Order on Request for Information, para. 6.

pursuit of such goals.¹³ The Order on Request for Information was served on the Minister of Justice of the Republic of Lebanon on 21 March 2017.¹⁴

I. Information from the Lebanese Authorities regarding the enforcement of the sentences

7. On 8 May 2017, nearly one month past the deadline set in the Order on Request for Information, the Registry received a letter from the Minister of Justice, dated 6 May 2017 (“Letter from the Minister of Justice”).¹⁵

8. The Letter from the Minister of Justice recognized the Order on Request for Information and the deadline for receiving responses but stated that (1) [REDACTED]; (2) due consideration must be given to the length of time required to carry out the search procedures for assets belonging to Lebanese natural and legal persons; (3) [REDACTED]; (4) the matter calls for requesting an unspecified additional deadline in order to obtain the requested information; (5) any enforcement measure, including those of the Special Tribunal for Lebanon, is subject to the procedures provided for in the Lebanese Code of Civil Procedure and require *exequatur* for foreign orders; and (6) the letter provides responses to the three questions contained in the Order on Request for Information.¹⁶

9. However, I note that, contrary to what is stated therein, the Letter from the Minister of Justice did not provide any responses to the three questions set out in the Order on Request for Information. The Letter failed to detail what additional deadline was required in order to provide the responses to the three questions, what steps had been taken up to that point, and did not provide explicit reference to the laws and policies that would be followed in execution of the Order on Seizure of Assets, information that should have been readily available.

10. Moreover, despite addressing the Order on Request for Further Information to the Minister of Finance separately by requesting his responses to the three questions therein in addition to the Minister of Justice - the Minister of Finance has never provided any

¹³ Order on Request for Information, p. 3.

¹⁴ F0277, Registry Submission Pursuant to Rule 48(C) Providing Correspondence Received from the Government of the Republic of Lebanon, Confidential and *Ex Parte*, 10 May 2017 (“Second Registry Submission”), para. 4.

¹⁵ Second Registry Submission, para. 5.

¹⁶ F0277, Annex to Registry Submission Pursuant to Rule 48(C) Providing Correspondence Received from the Government of the Republic of Lebanon, p. 4.

submission in this regard, nor did he ever request an extension of the deadline set out in the Order on Request for Information.

11. Thus, lacking clarity from the Lebanese authorities as concerns their intentions to provide complete answers to the questions set out in the Order on Request for Information and the expected timeline to carry out actions towards execution of the Order on Seizure of Assets, I provided a letter dated 29 May 2017 to the Lebanese authorities requesting that they respond in writing before 27 June 2017 as to whether they intend to answer all three sets of questions and, if so, on what date they would file such submissions.¹⁷ In doing so, I reminded the Lebanese authorities both of their obligations under Article 15(2) of the Agreement between the United Nations and Lebanon (10 June 2007) and that *exequatur* procedures do not normally apply to Orders issued by the Tribunal, like the one at hand.¹⁸ I informed that should the full amount of the fine imposed not be received by the Tribunal, I would be required to enact more serious measures towards enforcement of the sentences, in compliance with the Tribunal's Rules.¹⁹

12. The Minister of Justice provided a letter dated 1 June 2017 in response, repeating that the Ministry of Justice had answered the three questions set out in the Order on Request for Information.²⁰ He also noted that he sent a letter to the Prosecutor General at the Court of Cassation dated 21 April 2017 to consult the Ministry of Finance with a view to obtaining the requested information concerning the assets of Mr Al Amin and *Akhbar Beirut S.A.L.*, while also sending a copy of my most recent letter dated 29 May 2017 to the Minister of Finance for his review and feedback.²¹

13. The Registrar addressed a further letter to the Minister of Justice dated 24 July 2017 informing him that the Registry had been instructed by the Contempt Judge to file a formal submission relating to the efforts that the Registry had made to assist the Ministry of Justice

¹⁷ F0278, Registry Submission Pursuant to Rule 48(C) Providing Correspondence Received from the Government of the Republic of Lebanon, Confidential and *Ex parte*, 12 June 2017 ("Third Registry Submission"), para 4; *see also* F0278, Annex B to Registry Submission Pursuant to Rule 48(C) Providing Correspondence Received from the Government of the Republic of Lebanon, Confidential and *Ex parte*, 12 June 2017 ("Annex B to Third Registry Submission"), p. 2.

¹⁸ Annex B to Third Registry Submission, p. 3.

¹⁹ *Ibid.*

²⁰ F0278, Annex A to Registry Submission Pursuant to Rule 48(C) Providing Correspondence Received from the Government of the Republic of Lebanon, Confidential and *Ex parte*, 12 June 2017 ("Annex A to Third Registry Submission"), p. 8. Such response was received by the Registry on 6 June 2017; *see* Third Registry Submission, para. 5.

²¹ Annex A to Third Registry Submission, p. 8.

with the enforcement of the 20 March 2017 Order.²² The Registrar also informed me that up until the date of the Fourth Registry Submission, his office had “been in frequent contact with the Ministry of Justice *inter alia* to seek updates on, and to make itself available to assist with and support the implementation of the Order [on Request for Information]” and that it had consistently reminded the Ministry of Justice of the prevailing deadlines and the Tribunal’s expectation that the Contempt Judge’s orders are complied with.²³

14. In response, on 10 August 2017 the Minister of Justice provided a letter dated 7 August 2017 in which he addressed the Minister of Finance noting that his Ministry had “[REDACTED]”.²⁴

15. In a Request for Assistance dated 16 November 2017 (“RFA”) and served on the Minister of Justice, with copy to the Prosecutor General at the Court of Cassation, on 20 November 2017, the Registry requested the Lebanese authorities to provide detailed information on assets belonging to Mr Al Amin and *Akhbar Beirut S.A.L.*, within sixty days, in order to exhaust all means of enforcing the fines that both of the convicted persons had been sentenced to pay.²⁵ The RFA posed the following questions:

- i) Is Mr Al Amin the legal owner of his primary place of residence? If yes, kindly provide full details describing the property and its location.
- ii) Is Mr Al Amin the legal owner of any other real estate or immovable property? If yes, kindly provide full details describing the property and its location(s).
- iii) Is Mr Al Amin the registered owner of any motor vehicles, and if so, what are the registered license plate numbers of those vehicles?

²² F0279, Registry Submission Pursuant to Rule 48(C) Providing Correspondence to the Government of the Republic of Lebanon, Confidential and *Ex Parte*, 10 August 2017 (“Fourth Registry Submission”), para. 6; *see also* F0279, Annex A to Registry Submission Pursuant to Rule 48(C) Providing Correspondence to the Government of the Republic of Lebanon, Confidential and *Ex Parte*, 10 August 2017 (“Annex A to Fourth Registry Submission”), p. 2.

²³ Fourth Registry Submission, para. 7.

²⁴ F0279, Annex B to Registry Submission Pursuant to Rule 48(C) Providing Correspondence to the Government of the Republic of Lebanon, Confidential and *Ex Parte*, 10 August 2017, p. 3.

²⁵ F0280, Registry Submission Pursuant to Rule 48(C) Providing Correspondence Received from the Government of the Republic of Lebanon, Confidential and *Ex Parte*, 2 February 2018 (“Fifth Registry Submission”), para. 2. *See also* F0280, Annex A to Registry Submission Pursuant to Rule 48(C) Providing Correspondence Received from the Government of the Republic of Lebanon, Confidential and *Ex Parte*, 2 February 2018.

- iv) Is Mr Al Amin the registered owner of any other vehicles or assets such as boats, yachts, motorcycles, scooters, aircraft or other such assets? If yes, please provide full details describing the assets and their locations.
- v) Is Mr Al Amin registered as the owner of any stocks, bonds or other forms of negotiable paper that is of commercial value? If yes, please provide full details describing the stocks, bonds or other forms of negotiable paper of commercial value.
- vi) From which institution(s) is Mr Al Amin's salary paid, and into which bank account(s)?
- vii) What other bank accounts are currently held in the name of Mr Al Amin?
- viii) What bank accounts are currently held in the name of *Akhbar Beirut S.A.L.*?
- ix) Please describe any known foreign assets (immovable property, vehicles, financial instruments, bank accounts, etc.) to which Mr Al Amin has either legal or beneficial title, or both, and please provide any further information about these foreign assets including — but not limited to — where these assets are held.²⁶

The Registry also posed other additional questions aimed, respectively, at obtaining information on Mr Al Amin's compliance with fine orders in Lebanon and for the purpose of preparing for the seizure of assets without prejudice to third parties or, alternately, for the possible arrest and transfer of Mr Al Amin as a convicted person in the event that the fine remained unpaid and its enforcement proved impossible.

16. On 10 January 2018, the Minister of Justice provided a fifty-five page document in response to the RFA that included a report and several documents in annex supporting the key findings resulting from inquiries initiated at the instruction of the Prosecutor General at the Court of Cassation.²⁷ In sum,

- Mr Al Amin is currently the subject of 21 domestic judgments convicting him in the Court of Cassation and Court of Publications of various offences, including

²⁶ RFA, p. 3.

²⁷ Fifth Registry Submission, para. 3; *see also* F0280, Annex B to Registry Submission Pursuant to Rule 48(C) Providing Correspondence Received from the Government of the Republic of Lebanon, Confidential and *Ex Parte*, 2 February 2018 ("Response to RFA").

contempt and spreading false news, to varying sums of fines, to varying sums of fines²⁸, none of which has been paid;

- Mr Al Amin has [REDACTED];²⁹
- Mr Al Amin has no boat, yacht or any other naval piece registered under his name;³⁰
- Mr Al Amin has no motor vehicle registered under his name;³¹
- Mr Al Amin has no ownership over any aircraft;³²
- Mr Al Amin is the registered owner of [REDACTED];³³
- Mr Al Amin is [REDACTED].³⁴

17. In follow-up to the answers received from the Lebanese authorities, the Registry sent a further Request for Assistance to the Lebanese authorities on 28 February 2018 with the following questions:³⁵

- i) Is [REDACTED] (“Property”), Mr Al Amin’s primary place of residence? If not, what is the current address of Mr Al Amin?
- ii) Who is currently residing in the Property, [REDACTED].
- iii) Does Mr Al Amin hold either legal or beneficial title, or both to any foreign assets (immovable property, vehicles, financial instruments, bank accounts, etc.)? If so, can you please describe these foreign assets and provide details thereof.
- iv) Are there any additional encumbrances registered against the Property (e.g. registered mortgage, liens, etc.)? If so, please provide us with the details thereof.

²⁸ The Judgments date from 19 April 2012 through to 4 April 2017 with each imposing a sentence of between 1 million and 6 million LBP. The offences are defamation, slander, spreading false news and contempt. *See* Response to RFA, pp. 75-76.

²⁹ Response to RFA, p. 64.

³⁰ *Id.* at pp. 64-65, 80.

³¹ *Id.* at pp. 65, 92.

³² *Id.* at pp. 66, 95.

³³ *Id.* at p. 67.

³⁴ Response to RFA, pp. 107-108, 110.

³⁵ F0282, Annex A to “Registry Submission Pursuant to Rule 48(C) Providing Correspondence Received from the Government of the Republic of Lebanon”, Confidential and *Ex Parte*, 11 May 2018, pp. 3-4 (“Further Request for Assistance”).

- v) You indicate in the Response that it has been established that 21 judgements had been delivered against Mr Al Amin by the Court of Publications and the Criminal Court of Cassation. These judgments have not been annulled.
- a. Did Mr Al Amin pay any fines that the Lebanese Court of Publications or Criminal Court of Cassation ordered him to pay following delivery of judgment against him?
 - b. If so, please provide us with the dates of payment, the amounts paid, and copies of the judgments with respect to which they were paid. Please also provide details about how they were enforced.
 - c. If not, were reasons given as to why these fines were not enforced or converted to sentences of imprisonment in accordance with Article 54 of the Lebanese Criminal Code? If they were paid or enforced, how were they enforced? In any event, please also provide us with the reasons if any, as well as copies of the judgements with respect to which fines were not paid.
- vi) You indicate in the Response that Mr Al Amin owns shares in Akhbar Beirut Holding S.A.L. and Akhbar Beirut S.A.L. What is the market value of the shares that Mr Al Amin owns in these two companies?
- vii) You indicate in the Response that Akhbar Beirut S.A.L. may “contribute to or hold shares in new or existing companies having objects identical, similar or complementary to its own.” Does Akhbar Beirut S.A.L. hold any such shares? Furthermore, does Akhbar Beirut SA.L. hold any other stocks, bonds or other forms of negotiable paper that is of commercial value?
- viii) You indicate in the Response that Akhbar Beirut S.A.L. may “[w]ilst observing the rules of the Lebanese Press Law, acquire real estate properties for the purpose of fulfilling the company’s object.” Does Akhbar Beirut S.A.L. hold either legal or beneficial title to any real estate property?

18. The Lebanese authorities provided their responses to the follow-up questions, which were received by the Registry on 10 April 2018³⁶ in accordance with the timelines that had been set in the Further Request for Assistance. Its most salient portions can be summarized as follows:

- Mr Al Amin resides at [REDACTED].³⁷ [REDACTED].³⁸ *Akhbar Beirut S.A.L.* does not own any real estate properties.³⁹
- The Court of Cassation provided responses concerning the numerous judgments rendered against Mr Al Amin.⁴⁰ In sum, of the 14 appeal decisions that concerned 17 counts of defamation, contempt, insult and spreading false news dating between 2012 and 2018, Mr Al Amin has paid the entirety of the fines imposed in all but one case, the most recent matter from 2018.⁴¹ In total, Mr Al Amin appears to have paid LBP 50,000,000 in fines and LBP 609,000 in judicial or legal fees.⁴²
- Mr Al Amin is a shareholder in both *Akhbar Beirut S.A.L.* and *Akhbar Beirut Holding S.A.L.* [REDACTED].⁴³ Although the authorities were able to determine that Mr Al Amin holds 1092 shares in the first company and 1790 in the second, they could not determine the market value of such shares.⁴⁴
- Lebanese authorities were unable to ascertain whether Mr Al Amin holds any foreign assets and were also unable to collect information about bank accounts he holds due to the Banking Secrecy Law enforced in Lebanon.⁴⁵

19. [REDACTED]⁴⁶ [REDACTED].

³⁶ F0282, Registry Submission Pursuant to Rule 48(C) Providing Correspondence Received from the Government of the Republic of Lebanon, Confidential and *Ex Parte*, 11 May 2018, para. 3 (“Sixth Registry Submission”).

³⁷ F0282, Annex B to “Registry Submission Pursuant to Rule 48(C) Providing Correspondence Received from the Government of the Republic of Lebanon”, Confidential and *Ex Parte*, 11 May 2018, p. 46 (“Annex B to Sixth Registry Submission”).

³⁸ Annex B to Sixth Registry Submission, p. 39.

³⁹ *Id.* at p. 40.

⁴⁰ *Id.* at p. 40.

⁴¹ *Id.* at pp. 40-41, referring to [REDACTED].

⁴² Annex B to Sixth Registry Submission, pp. 40-44, 46-47. Approximate value on current exchange rates is €28,394.00 and €345.00 respectively.

⁴³ Annex B to Sixth Registry Submission, p. 46.

⁴⁴ *Ibid.*

⁴⁵ Annex B to Sixth Registry Submission, p. 45.

⁴⁶ I note however that [REDACTED].

II. Discussion on further measures

20. As of the date on which this decision has been issued, I am informed that the Registry has received no funds towards the payment of the fines imposed on Mr Al Amin and *Akhbar Beirut S.A.L.* in accordance with the Sentencing Judgment.⁴⁷

21. I also note that the most recent deadline set out in my letter of 29 May 2017⁴⁸ has passed considerably and I have received no further information from the Lebanese authorities concerning any efforts taken to seize assets from Mr Al Amin and *Akhbar Beirut S.A.L.* towards enforcement of the fines imposed upon them. Following conviction for a criminal offence, any sentence imposed must be enforced. In this case, the sentencing judgment cannot remain an exercise in style. A fine unpaid and a sentence unserved have no hope of fulfilling the important underlying objectives of deterrence and retribution, among others.

22. In this light, I note that paragraph (B) of Rule 135 provides that, “[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 Rule 135 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: [...] (iv) converting the whole or part of the fine to a term of imprisonment not exceeding twelve months”. Paragraph (F) provides that “[w]here, under this Rule, a penalty of imprisonment is imposed, or a fine is converted to a term of imprisonment, the provisions of the relevant Rules shall apply *mutatis mutandis*”.

23. Based upon:

- i) the refusal of Mr Al Amin to provide his written submissions on why he has not paid the fine imposed on him in accordance with the Fine Order;
- ii) the failure of the relevant Lebanese authorities to demonstrate any real efforts taken towards the collection of the fine amount of €20,000 from Mr Al Amin in accordance with the Order to Seize Assets and the lack of any reasonable likelihood that further future efforts will be able to ensure the implementation of the mentioned Order;

⁴⁷ Sixth Registry Submission, para. 7.

⁴⁸ Annex B to Third Registry Submission.

- iii) the passage of a considerable time since the Lebanese authorities were first in receipt of my order of 6 December 2016⁴⁹ to carry out measures towards the collection of the fine amounts imposed on Mr Al Amin and *Akhbar Beirut S.A.L.*, over which no concrete steps towards compliance have been demonstrated; and
- iv) the failure of Mr Al Amin to effect any payment towards the fine imposed on him in accordance with the Sentencing Judgment, as of the date of this decision,

I decide to convert the fine imposed on Mr Al Amin to a sentence of imprisonment.

24. Taking into account that the relevant Rules and the general principles of international criminal law and procedure provide no guidance for the computation of days of imprisonment in the event that an unpaid fine must be converted, I have considered it fair and reasonable, while considering all of the circumstances of the case, to convert the value of €500 to one day of imprisonment. Thus, I have decided to convert the whole of the fine imposed on Mr Al Amin in the Sentencing Judgment to a term of imprisonment of 40 days, in accordance with Rule 135 (C) (iv). Such conversion is extremely favourable to the convicted person. Indeed, having in mind that the maximum fine that may be imposed under Rule 60 *bis* (J) is €100,000 and that, under Rule 135 (C) (iv), the maximum period of imprisonment that may be imposed when converting a fine is twelve months, a proportionate calculation would convert €274 to a single day of imprisonment or roughly 73 days of imprisonment for a fine of €20,000.

25. Moreover, according to Article 54 of the Lebanese Criminal Code (“LCC”)⁵⁰, the period of substitute imprisonment in place of a fine – to be specified in the sentence, or otherwise in a special decision - is one day of detention equivalent to a fine ranging from LBP 2,000 to LBP 10,000 (where LBP 10,000 is roughly €5,68). Therefore, the computation adopted herein is about 100 times more favourable to the convicted person than the calculation mandated under Lebanese law.

⁴⁹ Order on Seizure of Assets.

⁵⁰ According to Rule 3 (A) (iv) of the STL RPE, the LCCP serves as a useful exegetical parameter to interpreting the Rules. Though this Rule refers only to the LCCP, where a rule is declarative of the Tribunal’s inherent power over the crime of contempt, it may also be relevant to draw upon the LCC if necessary to solve a legal issue (see STL, *In the case against New TV S.A.L. and Al Khayat*, STL-14-05/PT/AP/AR126.1, F0012-AR126.1, Decision on Interlocutory Appeal Concerning Personal Jurisdiction in Contempt Proceedings, 2 October 2014, para. 68).

26. Additionally, I recall that, in anticipation of the present decision, active steps have been taken since May 2017 towards compliance with the provisions of Rule 174.

27. Finally, it must be noted that should the full fine amount of €20,000 be deposited with the Registry of the Tribunal at any time before the execution of the warrant of arrest and detention, such warrant shall be annulled immediately. Equally, if the full amount of the fine is deposited with the Registry of the Tribunal after the execution of the warrant of arrest and detention, Mr Al Amin shall be released forthwith, having fully discharged the sentence imposed against him. Although these eventualities are not specifically envisaged in the rules, I find that I am able to exercise my discretion to provide for these possibilities in light of my duty to ensure that, when balancing competing interests, the accused's rights are favoured and that the deprivation of an individual's liberty in the present circumstances is one of last resort.

28. I also note that, in light of the impossibility of converting the fine imposed upon the legal person *Akhbar Beirut S.A.L.* into a term of imprisonment, as such is not envisaged in the Tribunal's Rules, this decision shall have no impact on the continuing need to enforce the sentence that has been imposed on the corporation. Such objective difficulty confirms my reservations, expressed in the Judgment,⁵¹ about the Tribunal's jurisdiction to prosecute legal persons under Rule 60 *bis*.

III. Classification

29. In order to preserve the integrity of any and all efforts towards enforcing the conversion of sentence in this matter, this Decision shall remain confidential, except to the competent authorities of the Lebanese Republic, until further notice.

⁵¹ Judgment, para. 44.

DISPOSITION**FOR THESE REASONS;****IN APPLICATION** of Rules 135 (C) and 135 (F),**I****CONVERT** the whole of the fine of €20,000 imposed on Mr Ibrahim Mohamed Ali Al Amin to a term of 40 days of imprisonment.

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

Dated 12 October 2018

Leidschendam, the Netherlands



Judge Nicola Lettieri
Contempt Judge

