

**BEFORE THE CONTEMPT JUDGE**  
**SPECIAL TRIBUNAL FOR LEBANON**

**Case No.:** STL-14-05/PT/CJ  
**Before:** Judge Nicola Lettieri, Contempt Judge  
**Registrar:** Mr Daryl Mundis  
**Date:** 12 June 2014  
**Filing Party:** *Amicus Curiae*  
**Original language:** Arabic  
**Classification:** Public

**IN THE CASE AGAINST**  
**AL JADEED S.A.L.**  
**KARMA MOHAMED TAHSIN AL KHAYAT**

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**LETTER FROM THE HEAD OF THE LEBANESE PRESS ASSOCIATION,**  
**MOHAMMED AL BAALBAKI**

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***Amicus Curiae* Prosecutor:**

Mr Kenneth Scott

**Counsel for Al Jadeed S.A.L. and Ms**

**Karma Al Khayat:**

Mr Karim A.A. Khan

Ms Maya Habli

***Amicus Curiae* Defence:**

Mohammed El-Baalbaki,

President of the Lebanese Press Association

Ms Shyamala Alagendra

[signature]

[stamp: "Lebanese Press Association–Beirut"]



Dear Sir,

As we and the world bear witness to the assiduous role the Special Tribunal for Lebanon is playing in uncovering the truth of the assassination of Prime Minister Rafic Hariri and his companions in pursuit of justice according to the highest international standards, we would like to stress the faith that we, the Lebanese Press Association, place in public freedoms, in particular freedom of opinion and expression, in the forefront of which stands freedom of the press, as enshrined in the Universal Declaration of Human Rights and international conventions, to which Lebanon commits itself in its constitution.

We also draw your attention to the fact that the Lebanese criminal justice system is the authority competent to examine cases involving publications crimes, and the prosecution of Lebanese media must be done on Lebanese soil under the Lebanese Law on Publications, within the jurisdiction of the Lebanese Court of Publications. Deviation—where permissible—must occur sparingly, in keeping with Lebanese law, the governing law in this regard.

Indeed, Article 4 (3) (b) of the Statute of the Special Tribunal for Lebanon specifically provides that the national authority in question shall defer to the competence of the Tribunal. Rule 12 (B) of the Tribunal's Rules of Procedure and Evidence stipulates that, at the request of the President, the Registrar shall transmit the reasoned conclusions of the Prosecutor to the Secretary-General so that the Security Council and the Government of Lebanon may determine whether or not to grant the Tribunal jurisdiction over the alleged crime.

Therefore, by prosecuting Lebanese media, the Special Tribunal for Lebanon has transgressed Lebanese laws as well as its own laws, that is, the abovementioned Article 4 (3) (b) and Rule 12 (B).

Moreover, territorial jurisdiction covers the location where the offence occurred, Lebanon. In addition, Lebanese Criminal Code is more merciful than the rules of the Special Tribunal for Lebanon as the penalty of imprisonment of journalists was abolished long ago. It is known that in the event of a conflict the most merciful law shall prevail, according to the judge's degree of scrupulousness and wisdom.

In addition to the foregoing, the first paragraph of Article 25 of the Rome Statute states, “The Court shall have jurisdiction over natural persons pursuant to this Statute.” It follows from the above that no moral persons - be they countries or corporate bodies—fall within the jurisdiction of international criminal courts.

Accordingly, we have great trust that you will treat the matter with due judiciousness and deliberation so as to preserve the unity of justice and the guarantees of general freedoms.

Yours faithfully,

President of the Lebanese Press Association

Mohammed El-Baalbaki

[signature] [stamp: “Lebanese Press Association–Beirut”]

