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STL may hold journalists in contempt



Publications and journalists in Lebanon who published a list of alleged secret witnesses called by the Prosecutor's office to testify

in the Special Tribunal for Lebanon in the case of the assassination of former Lebanese Prime Minister Rafiq Hariri might go to trial for obstruction of justice.

The lawyers of the victims at the STL officially requested yesterday the initiation of a legal procedure to hold in contempt all the journalists and publications that originally published and chose to reproduce during the past four months lists of alleged protected witnesses. The lawyers in charge of the legal representation of the victims in the tribunal filed a request to the pre-trial judge to refer the matter to the president of the STL. This might be the beginning of a new trial in the STL, a legal action that could end with the imprisonment of the journalists found guilty and fining the publications.

The request came a week after hackers broke into the website of *Al Moustaqbal* newspaper in Lebanon and published the list of alleged Lebanese protected witness, stating that the information was leaked by sources in the tribunal. Several Lebanese media outlets re-published or quoted the list. The hackers also directed visitors to a Web site called Journalists for the Truth, which stated that it aimed at exposing corruption and lack of professionalism in the STL. The incident prompted investigations within the STL and in Lebanon.

This is not the first time the names of the alleged protected witnesses in the Hariri case have been published. Lebanese newspaper *Al Akhbar*, known for its closeness to Hezbollah, published in January the pictures and personal data of 32 people. The STL sent a letter to Lebanon's Attorney General Said Mirza and asked him to warn the newspaper that it was committing a violation. *Al Akhbar* heeded the warning, and blocked the publication of the names of alleged protected witnesses.

The issue did not resurface until last week. The impact of the incident could be devastating for the procedures of the tribunal, which has already been the target of several campaigns meant to discredit it, a Lebanese lawyer who asked to remain anonymous told NOW. "It was done with the clear intention to intimidate the witnesses and possibly anybody who might think of cooperating with the STL. There have been cases of contempt initiated for much less in international courts," the lawyer pointed out.

Holding journalists in contempt for disclosing information protected by the order of a court or a judge is not new to international justice. The International Tribunal for Former Yugoslavia, for example, held in contempt and sentenced journalist **Florence Hartman** to a 7,000 Euro fine for publishing protected documents in the trial of former Yugoslav leader Slobodan Milosevic. Several other people spent time in prison for intimidating or trying to bribe witnesses.

In their **request** submitted to the pre-trial judge, the lawyers of the victims also pointed out that at least some of the journalists and media outlets who published the names and personal data of alleged witnesses were aware that they were dealing with protected information. Moreover, they say, it was also clear that their actions were malevolent, with the purpose to intimidate witnesses and possibly victims.

The lawyers of the victims submitted a list of journalists and publications along with their request, but the tribunal will keep it confidential until further developments.

“Obviously, the authors of the media reports bear direct individual responsibility for the acts of contempt. However, the material would not have been published had the organizations (and usually, the editors bear the ultimate decision) not authorized it,” STL spokesperson Marten Youssef told NOW. He said that the maximum penalty that may be imposed on a person found to be in contempt of the STL is be a term of imprisonment not exceeding seven years, or a fine not exceeding 100,000 Euros, or both.

According to the rules of the tribunal, after receiving the request, the president of the STL would designate a contempt judge to look into the matter. When the contempt judge has reason to believe that a person may be in contempt of the tribunal, he may invite the prosecution to consider investigating the matter. He can also direct the registrar to appoint an external independent investigator who reports back to the contempt judge as to whether there are sufficient grounds for instigating contempt proceedings. The contempt judge may also initiate proceedings himself.