**Lebanese University**

**Faculty of Law, Political, and Administrative Sciences**

**Lebanese Center for International**

**Studies (LCIS)**

**Freedom of Expression versus Contempt**

**Of Court before International Criminal Tribunals**

**Notre Dame University**

**A study Day**

**Professor Camille H. Habib**

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**Dean of the Faculty of Law, Political, and Administrative Sciences**

At the outset, I would like to express my sincere appreciation to professor Marie Ghantous, President of the Lebanese Center For International Studies (LCIS), for giving me the opportunity to chair the 4th session pertaining discussions on Freedom of Expression versus Contempt of Court Before International Criminal Tribunals. I thank you Professor. Ghantous, as well as I would like to thank NDU for making the provision to organize this highly respected academic study day.

If everything we do in life is about balancing act between obligations and rights, states, for its part, do struggle to balance out security and justice or security and freedom, and, in most cases, states have achieved security but at the expense of both freedom and justice.

Mr. Talal Salman, Editor in Chief of As-Safir newspaper argues that “it is not fair to eradicate trust with suspicion”, as well as, “ it is not wise to put judiciary into confrontation with freedom”. Indeed, in a world of absolute freedom, with the tremendous development and multiplicity of media and communication outlets and institutions, integration between a free judiciary and a free media is something than can no longer be avoided.

Any authority should strive towards balancing out or achieving coexistence between judiciary and personal freedom… two opposing and independent poles—and yet both seeking to reach the same truth from their respective positions.

In lights of the accusations of alleged “court contempt” case and obstruction of justice brought before judge Nicola Lettieri of the Special Tribunal For Lebanon against two media outlets, Al- Jadeed T.V. and Al-Akhbar newspaper, Former minister Ziad Baroud concludes that “regardless of whether the criminal elements exist in this case, in light of the legitimate doubt as to the legality of criminalization by a text that does not have legitimate force, and in order to be guided by the highest international criminal procedures, it is in the interests of the Tribunal to declare that it does not have the jurisdiction to look into the matter at hand and to refer the case file in its entirety to the Lebanese judiciary, requesting their cooperation in accordance with the Statute and regulations, so that Lebanese law can be applied”.

For its part, the Faculty of Law, Political, and Administrative Sciences in the Lebanese University has reiterated the same line of thought, demanding that Lebanese Parliament act immediately to pass the necessary law governing the work of the STL, determine the latter’s competence, emphasize the protection granted to media freedom within the framework of the law, and name the judicial body competent to prosecute journalists if they violate laws and regulations in force.

The aforementioned statements do not aim at defending freedom at the expense of justice, or they, in any way, meant to undermine the STL’s role in finding out the truth of who financed, prepared, and carried out the assassination of Prime Minister Rafiq Hariri. On the contrary, all Lebanese have come to realize that on 14 February 2005 they had lost a great leader and a first class politician. Unfortunately, however, the STL’s role has polarized the Lebanese with unprecedented factional and sectarian division. In retrospect, it is certainly in the interest to the STL to conduct its adjudication in a manner the would increase the confidence of all Lebanese in its legality and legitimacy without any prejudice to their freedom. I, hereby, share with you the desire to protect the twin concepts of justice and freedom.