



SPECIAL TRIBUNAL FOR LEBANON

المحكمة الخاصة بلبنان

TRIBUNAL SPÉCIAL POUR LE LIBAN

**THE CONTEMPT JUDGE**

**Case No.:** STL-14-05/I/CJ  
**Before:** Judge Nicola Lettieri, Contempt Judge  
**Registrar:** Mr Daryl Mundis, Registrar  
**Date:** 12 February 2014  
**Original language:** English  
**Classification:** Confidential and *Ex Parte*

**IN THE CASE AGAINST**

***NEW TV* S.A.L.  
KARMA MOHAMED THASIN AL KHAYAT**

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**ORDER TO *AMICUS CURIAE* ON SUBMISSIONS**

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***Amicus Curiae* Prosecutor**



1. On 31 January 2014, Judge Baragwanath, the Contempt Judge, issued an Order in Lieu of an Indictment against *New TV S.A.L.* and Ms Karma Khayat, directing that *amicus curiae* be appointed to prosecute the matter.<sup>1</sup> In the Contempt Decision, Judge Baragwanath recused himself from hearing the charges that he ordered should be brought.<sup>2</sup> In his capacity as President, Judge Baragwanath then designated me as the Contempt Judge in these proceedings.<sup>3</sup>
2. The Registrar has informed me that the process of appointing an *amicus curiae* Prosecutor is underway. I encourage the Registrar to finalize this process without any undue delay. Once *amicus* is appointed, I order that he or she make submissions before me on a number of issues as follows within two weeks after his or her appointment.
3. Rule 60 *bis* (H) of the Rules of Procedure and Evidence (“Rules”) prescribes that Parts 4 to 8 of the Rules apply *mutatis mutandis* to contempt proceedings. Under Rule 73 an indictment shall be made public upon confirmation. I note however that the Order in Lieu of an Indictment remains confidential and *ex parte*. Non-disclosure of the Order was ordered by the previous Contempt Judge pursuant to Rule 74 because of his recusal and the fact that under Rule 76 (B) an indictment must be served together with a summons to appear or a warrant of arrest which issuance, in his view, falls to the Contempt Judge hearing the case.<sup>4</sup> I therefore request *amicus* to make submissions on whether *amicus* seeks a summons to appear or an arrest warrant with respect to *New TV S.A.L.* and Ms Khayat, when the Order in Lieu of an Indictment should be served on these Accused and when the Order in Lieu of an Indictment as well as the Decision by the previous Contempt Judge should be made public.
4. In addition, I request *amicus* to propose a time line for the conduct of the pre-trial and trial proceedings in this matter, setting out in detail the steps that *amicus* expects are required.

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<sup>1</sup> STL, *In the case against New TV S.A.L. & Khayat*, STL-14-05/I/CJ, Redacted Version of Decision in Proceedings for Contempt with Orders in Lieu of an Indictment, Confidential and *Ex Parte*, 31 January 2014 (“Contempt Decision”).

<sup>2</sup> Contempt Decision, para. 74, Disposition.

<sup>3</sup> STL, *In the case against New TV S.A.L. & Khayat*, STL-14-05/I/PRES, Order Designating Contempt Judge, Confidential and *Ex Parte*, 31 January 2014.

<sup>4</sup> See Contempt Decision, para. 76.

## DISPOSITION

**FOR THESE REASONS;**

**PURSUANT** to Rules 60 *bis* (H) and 77 (E) of the Rules;

**I**

**REQUEST** the Registrar to finalize the process of appointing *amicus curiae* Prosecutor without undue delay;

**ORDER** *amicus*, within two weeks of *amicus*' appointment, to make submissions on the issues listed in paragraphs 3 and 4 of this Order.

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

Dated 12 February 2014

Leidschendam, the Netherlands



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Judge Nicola Lettieri

Contempt Judge

