



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: 24 April 2014
Original language: English
Classification: Public

IN THE CASE AGAINST

NEW TV S.A.L.
KARMA MOHAMED TAHSIN AL KHAYAT

ORDER LIFTING CONFIDENTIALITY

***Amicus Curiae* Prosecutor:**
Mr Kenneth Scott

The Accused:
New TV S.A.L.
Ms Karma Khayat

Head of Defence Office:
Mr François Roux



I, Judge Nicola Lettieri, Judge of the Special Tribunal for Lebanon (“Tribunal”),

NOTING that on 31 January 2014, Judge David Baragwanath, as the Contempt Judge, issued the “Redacted Version of Decision in Proceedings for Contempt with Orders In Lieu of an Indictment”, which included an order in lieu of an indictment against *New TV S.A.L.* and Karma Mohamed Tahsin Al Khayat (“Order in Lieu of Indictment”) and another against *Akhbar Beirut S.A.L.* and Ibrahim Al Amin;¹

RECALLING that, pursuant to Rule 74 of the Tribunal’s Rules of Procedure and Evidence, Judge Baragwanath, while acknowledging that an order in lieu of an indictment must normally be filed publicly, ordered that the Contempt Decision and both Orders in Lieu of an Indictment be treated as confidential and *ex parte*, until further notice;²

NOTING that Judge Baragwanath, as President of the Tribunal, designated me as the Contempt Judge in these proceedings;

CONSIDERING that on 18 March 2014, I issued separate Summons to Appear to *New TV S.A.L.* and Ms Khayat and ordered the Registrar of the Tribunal to transmit to the competent authorities of the Lebanese Republic, for service on each accused without delay, (1) a certified copy of their respective Summons to Appear, bearing the official seal of the Tribunal, (2) a certified copy of the Order in Lieu of Indictment, bearing the official seal of the Tribunal, (3) a copy of the Contempt Decision and (4) a copy of the provisions of the Statute, Rules and any other documents relevant to the execution of the Summons;³

CONSIDERING that, in both the *New TV* Summons and the Khayat Summons, I further ordered that “neither this Summons nor the Order in Lieu of Indictment nor any other related documents shall be disclosed or otherwise made known and that they shall remain confidential and *ex parte* until further order, except to the competent authorities of the Lebanese Republic and

¹ STL, *In the case against New TV S.A.L. & Khayat*, STL-14-05/I/CJ, F0001, Redacted Version of Decision in Proceedings for Contempt with Orders in Lieu of an Indictment, Confidential and *Ex Parte*, 31 January 2014 (“Contempt Decision”). All further references to filings and decisions in this Order relate to this case number unless otherwise stated.

² *Id.* at para. 76.

³ F0006, Summons to Appear, Confidential and *Ex Parte*, 18 March 2014 (“*New TV* Summons”), p. 2; F0007, Summons to Appear, Confidential and *Ex Parte*, 18 March 2014 (“Khayat Summons”), p. 2.

to the authorities of any State to which this Summons and the Order in Lieu of Indictment (or certified copies thereof) may be delivered, as well as to the Accused”;⁴

RECALLING the principle of publicity emphasized by the Appeals Chamber in affirming that confidential decisions can only be justified for exceptional reasons and for a limited time;⁵

CONSIDERING that personal service pursuant to Rule 76 (B) has been effected with respect to *New TV* S.A.L. and Karma Mohamed Tahsin Al Khayat, as well as *Akhbar Beirut* S.A.L. and Ibrahim Al Amin; and

FINDING that, given such service, there is no longer reason to maintain the confidential and *ex parte* classification of the Contempt Decision, Order in Lieu of Indictment, *New TV* Summons or Khayat Summons.

DISPOSITION

FOR THESE REASONS,

PURSUANT to Rules 73 and 96

I

ORDER the lifting of the confidentiality and *ex parte* classification of the following documents:

- Redacted Version of Decision in Proceedings for Contempt with Orders in Lieu of an Indictment, 31 January 2014 (F0001 including Annexes A01 and A02)
- Summons to Appear, 18 March 2014 (F0006)
- Summons to Appear, 18 March 2014 (F0007).

⁴ *New TV* Summons, p. 2; Khayat Summons, Disposition p. 2.

⁵ See STL, *In the Matter of El Sayed*, CH/AC/2013/01, F0005, Public Redacted Version of Decision on Appeal by the Prosecutor Against Pre-Trial Judge’s Decision on 11 January 2013, Dated 28 March 2013, 28 March 2013, para. 9.

Done in Arabic, English and French, the English version being authoritative.
Dated 24 April 2014
Leidschendam, the Netherlands



Judge Nicola Lettieri
Contempt Judge

