SPECIAL TRIBUNAL FOR LEBANON المحكمة الخاصة بلبنان TRIBUNAL SPÉCIAL POUR LE LIBAN

THE PRESIDENT

Case No.:	**STL-14-05/PT/PRES/AR126.1**
Before:	**Judge David Baragwanath, President**
Registrar:	**Mr Daryl Mundis**
Date:	**1 August 2014**
Original language:	**English**
Classification:	**Public**

IN THE CASE AGAINST

KARMA MOHAMED THASIN AL KHAYAT

ORDER DESIGNATING APPEALS PANEL

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

Counsel for Ms Karma Khayat:
Mr Karim A.A. Khan
Mr Rodney Dixon
Ms Maya Habli
Ms Shyamala Alagendra

1. On 24 July 2014, Judge Lettieri issued his "Decision on Motion Challenging Jurisdiction and on Request for Leave to Amend Order in Lieu of an Indictment".[1] He certified that Decision for appeal pursuant to Rule 126 of the Rules of Procedure and Evidence ("Rules").[2] The *Amicus* Prosecutor has now filed an appeal against the Decision.[3] This requires me, pursuant to Rule 60 *bis* (M) and Article 2 (1) of the relevant Practice Direction,[4] to designate an Appeals Panel composed of three Judges.

2. Annex 2 of the Practice Direction provides for a pre-determined roster of Judges for all appeals in contempt matters filed in the months of July and August. The Judges listed there are Judge Akoum, myself and Judge Fransen.

3. Given my involvement in this case as the Judge issuing the Order in Lieu of an Indictment[5] I am "unable to sit on [the] appeal" as set out in Article 2 (3) of the Practice Direction. Judge Fransen has informed me that in his view he is likewise unable to sit, because *inter alia* the charges of contempt involve certain orders issued by him.[6] In these circumstances, Article 2 (3) requires me to assign the next international Judges on the roster. Because Judge Lettieri as the first instance Judge in this matter also cannot sit, the next two international Judges are Judge Hrdličková and Judge Nosworthy.

4. I therefore designate an Appeals Panel composed of Judge Akoum, Judge Hrdličková and Judge Nosworthy. Pursuant to Article 2 (1) of the Practice Direction and Rule 30 (B) of the Rules, Judge Nosworthy serves as the Presiding Judge. I note the stipulation of Article 2 (2) of the Practice Direction, that "[o]nce designated, the Appeals Panel remains seized of the case with respect to all appeals filed in that case".

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[1] STL, *In the case against New TV S.A.L. and Khayat*, STL-14-05/PT/CJ, F0054, Decision on Motion Challenging Jurisdiction and on Request for Leave to Amend Order in Lieu of an Indictment, 24 July 2014 ("Decision").
[2] Decision, Disposition.
[3] STL, *In the case against New TV S.A.L. and Khayat*, STL-14-05/PT/AP/AR126.1, F0001, Interlocutory Appeal Against the Decision on Motion Challenging Jurisdiction, 31 July 2014; *see also* STL, *In the case against New TV S.A.L. and Khayat*, STL-14-05/PT/AP/AR126.1, F0002, Urgent Request for the Suspensive Effect of the Appeal Against the Decision on Motion Challenging Jurisdiction, 31 July 2014.
[4] STL, Practice Direction on Designation of Judges in Matters of Contempt, Obstruction of Justice and False Testimony, STL/PD/2013/06/Rev.2, 2 July 2014 ("Practice Direction").
[5] *See* STL, *In the case against New TV S.A.L. and Khayat*, STL-14-05/I/CJ, Redacted Decision in Proceedings for Contempt with Orders in Lieu of an Indictment, 31 January 2014.
[6] Memorandum from Judge Fransen to the President, confidential and *ex parte*, 1 August 2014.

DISPOSITION

FOR THESE REASONS;

PURSUANT to Rules 60 *bis* (M) and 30 (B) of the Rules and Article 2 of the Practice Direction;

I

DESIGNATE an Appeals Panel in this case; and

ORDER that this Appeals Panel be composed as follows:

Judge Janet Nosworthy, Presiding

Judge Walid Akoum

Judge Ivana Hrdličková.

Done in Arabic, English and French, the English version being authoritative.
Dated 1 August 2014
Leidschendam, the Netherlands

Judge David Baragwanath
President