

**THE CONTEMPT JUDGE**

**Case No.:** STL-14-06/PT/CJ  
**Before:** Judge Nicola Lettieri, Contempt Judge  
**Registrar:** Mr Daryl Mundis, Registrar  
**Date:** 20 March 2015  
**Original language:** English  
**Classification:** Public

**IN THE CASE AGAINST**

***AKHBAR BEIRUT S.A.L.***  
**IBRAHIM MOHAMED ALI AL AMIN**

**PUBLIC REDACTED DECISION ON THE *AMICUS CURIAE* PROSECUTOR'S  
APPLICATIONS FOR PROTECTIVE MEASURES**

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

**Counsel for *Akhbar Beirut* S.A.L. and Mr  
Ibrahim Mohamed Ali Al Amin:**  
Mr Antonio Abou Kasm



## INTRODUCTION

1. I am seized of two motions filed by the *Amicus Curiae* Prosecutor (“*Amicus*”) requesting certain protective measures for witnesses in this case.<sup>1</sup> In the First Motion, the *Amicus* seeks an order allowing the interim non-disclosure of the identities of a number of witnesses to the Defence.<sup>2</sup> In the Second Motion, the *Amicus* seeks the permanent non-disclosure of parts of the statements of two other witnesses to the Defence and the interim non-disclosure of these witnesses’ identities to the Defence.<sup>3</sup> The Defence requests the dismissal of both motions.<sup>4</sup>

2. Having considered the arguments, I decide to grant the *Amicus*’s motions in part, and in particular permit the interim non-disclosure of the identities of the witnesses and the permanent non-disclosure of parts of the statements of two of them. However, with respect to interim non-disclosure my decision is subject to further determination once a trial date has been set.

## FIRST MOTION

### **I. The position of the *Amicus***

3. The *Amicus* seeks, pursuant to Rule 115 (A) of the Tribunal’s Rules of Procedure and Evidence, “interim non-disclosure” of the identities of a number of witnesses on the basis that “disclosure of the witnesses’ identity and identifying information would expose them and/or their families to risk of serious harm, harassment and intimidation”.<sup>5</sup> The *Amicus* recalls the “general security situation in Lebanon and the issues pertaining to the protection of witnesses who cooperate with the Tribunal”.<sup>6</sup> Furthermore, the *Amicus* notes the particular sensitivity in this case, where the Accused face allegations of publicizing information in connection with purported

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<sup>1</sup> STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/PT/CJ, F0079, Application for Non-Disclosure with Annexes, Confidential with Confidential and *Ex Parte* Annexes, 19 February 2015 (“First Motion”); STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/PT/CJ, F0082, Application for Non-Disclosure of Portions of Witness Statements and Postponement of Disclosure, Public with Confidential and *Ex Parte* Annexes, 27 February 2015 (“Second Motion”). All further references to filings and decisions relate to this case number unless otherwise stated.

<sup>2</sup> First Motion, para. 15.

<sup>3</sup> Second Motion, para. 17.

<sup>4</sup> F0080, Defence Response to the “Application for Non-Disclosure” Filed by the *Amicus Curiae* Prosecutor on 19 February 2015, Confidential, 24 February 2015 (“Response to First Motion”); F0085, Defence Response to the “Application for Non-Disclosure of Portions of Witness Statements and Postponement of Disclosure” Filed by the *Amicus Curiae* Prosecutor on 27 February 2015, 9 March 2015 (“Response to Second Motion”).

<sup>5</sup> First Motion, para 3.

<sup>6</sup> *Id.* at para. 7.

confidential witnesses.<sup>7</sup> In a confidential and *ex parte* annex, he further describes, for each witness, reasons in support of interim non-disclosure.<sup>8</sup>

4. As a counterbalancing measure, the *Amicus* offers to immediately provide the Defence with the witness statements in redacted form, in order to facilitate the Defence preparation until disclosure of the witnesses' identities and unredacted statements be made at a date closer to trial.<sup>9</sup> To this end the *Amicus* suggests that 30 days before the start of trial is appropriate for disclosure.<sup>10</sup> He attaches to the First Motion confidential and *ex parte* annexes containing the redacted versions of the witness statements.<sup>11</sup>

## II. The position of the Defence

5. The Defence responds that ensuring the rights of the accused must be a primary consideration and the protection of witnesses and victims must be secondary.<sup>12</sup> The Defence states that non-disclosure should be an exceptional measure determined on a case-by-case basis. Here, nothing in the *Amicus*'s application allows for such an analysis.<sup>13</sup> In particular, it claims that the *Amicus* has failed to demonstrate that there would be any risk resulting from the disclosure of the information to the Defence at this point.<sup>14</sup> The Defence argues that the Accused need to be fully prepared and aware of the evidence against them, and that disclosure of the witnesses' identities 30 days prior to trial is not sufficient to prepare an adequate defence, especially in the particular circumstances of this case.<sup>15</sup> He finally requests that the *Amicus*'s motion should be made public as it does not reveal any information identifying a witness or victim.<sup>16</sup>

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<sup>7</sup> First Motion, para. 7.

<sup>8</sup> First Motion, Annex A.

<sup>9</sup> First Motion, paras 11-15.

<sup>10</sup> First Motion, para. 13.

<sup>11</sup> First Motion, para. 3, First Motion, Annex B.

<sup>12</sup> Response to First Motion, para. 8.

<sup>13</sup> Response to First Motion, para. 11.

<sup>14</sup> Response to First Motion, paras 12-16.

<sup>15</sup> Response to First Motion, paras 17-27.

<sup>16</sup> Response to First Motion, paras 28-29.

### III. Discussion

#### A. Request for Leave to Reply

6. The *Amicus* has filed a request for leave to reply, by which he seeks to respond to certain arguments of the Defence.<sup>17</sup> In this regard, I first note that the *Amicus* has attached a proposed reply to his Request for Leave to Reply.<sup>18</sup> Pursuant to Rule 8 (B), any reply shall be filed within seven days of obtaining leave of the Judge or Chamber. The Appeals Chamber has held that “it would be a circumvention of Rule 8 (B) if counsel in effect places the reply on the case-record despite not having been granted leave to do so. In the future, unless otherwise ordered, counsel should wait for the Chamber’s decision to grant leave [...] before filing the reply.”<sup>19</sup> I remind the *Amicus* to do so going forward.<sup>20</sup>

7. In deciding whether to grant the *Amicus* leave to reply, I am only considering the reasons presented in his Request for Leave to Reply, which are that the Defence (1) wrongly accuses the *Amicus* of not providing essential information to the Contempt Judge; (2) wrongly asserts the application of a decision taken in another case; (3) unfairly raises the specifics of counsel’s relationship with his client; (4) misinterprets the applicable law; and (5) unexpectedly asks for the reclassification of the First Motion from confidential to public.<sup>21</sup>

8. The Appeals Chamber has held that a reply “must generally be limited to circumstances where new issues arise out of the [response]”.<sup>22</sup> I find that none of the *Amicus*’s reasons satisfy this requirement. Each expresses mere disagreement with Defence arguments made in response to the *Amicus*’s motion. The *Amicus* does not identify any new issues arising out of the

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<sup>17</sup> F0081, Request for Leave to Reply to Defence “Réponse de la défense à l’Application for Non-Disclosure” déposée par le procureur *amicus curiae* le 19 février 2015, Confidential, 26 February 2015 (“Request for Leave to Reply”).

<sup>18</sup> F0081/A01, Reply to Defence “Réponse de la défense à l’Application for Non-Disclosure” déposée par le procureur *amicus curiae* le 19 février 2015, Confidential, 26 February 2015.

<sup>19</sup> STL, *Prosecutor v. Ayyash et al.*, STL-11-01/PT/AC/AR126.3, F0009, Decision on Appeal by Legal Representative of Victims Against Pre-Trial Judge’s Decision on Protective Measures, 10 April 2013, para. 5; STL, *In the case against New TV S.A.L. and Khayat*, STL-14-05/PT/CJ, F0107, Decision on Motion to Amend the Prosecution Exhibit List and Witness List, 11 March 2015, para. 17; see also STL, *In the case against New TV S.A.L. and Khayat*, STL-14-05/PT/AP/AR126.1, F0011, Decision on Urgent Request for Suspensive Effect of the Appeal, Request for Leave to Reply and Request for Appeal Hearing, 22 August 2014, para. 11.

<sup>20</sup> See STL, *In the case against Akhbar Beirut S.A.L. and Al Amin*, STL-14-06/PT/CJ, F0036, Decision on the Request for Certification to Appeal Decision on Assignment of Counsel, 17 July 2014, fn. 20.

<sup>21</sup> Request for Leave to Reply, para. 3.

<sup>22</sup> See STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/AC/AR126.7, F0012, Order by Judge Rapporteur on Request for Leave to File a Reply, 8 May 2014, para. 4.

Response. Nor does the *Amicus* demonstrate any exceptional basis justifying a reply. I therefore reject the Request for Leave to Reply.

**B. Whether to grant the measures requested by the Amicus**

9. Article 16 (2) of the Tribunal's Statute provides that an accused "shall be entitled to a fair and public hearing, subject to measures ordered by the Special Tribunal for the protection of victims and witnesses". Rule 115 governs the interim non-disclosure of the "identity" of a witness or victim, and states, in relevant part:

(A) In exceptional circumstances, the Prosecutor may apply to the Pre-Trial Judge or Trial Chamber to order interim non-disclosure of the identity of a victim or witness who may be in danger or at risk until appropriate protective measures have been implemented.

[...]

(C) Subject to Rule 133, the identity of the victim or witness shall be disclosed in sufficient time prior to the trial to allow adequate time for preparation of the defence.

It is established that exceptional circumstances must be determined on a case-by-case basis.<sup>23</sup> The rights of the Accused must be balanced against the interests of the witnesses, and this balance depends on the circumstances of each case and each individual.<sup>24</sup>

10. Here, based on the reasons articulated by the *Amicus* above and with respect to each witness in his confidential Annex A, I find that exceptional circumstances exist that merit the interim non-disclosure of the identities of the witnesses. Furthermore, I note that the date of trial has not yet been set. Given the stage in proceedings, I am particularly mindful of the potential grave risk to the witnesses if their names are disclosed at this time. Finally, I weighed these factors against the Defence arguments that interim non-disclosure may impede its trial preparation.<sup>25</sup> On balance, particularly when considering that I will decide later on the time limits under which disclosure will eventually be made, I consider it appropriate to order the interim non-disclosure of the identities of the witnesses. With respect to corresponding witness statements, I note that the *Amicus* has already provided the Defence with the redacted versions of

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<sup>23</sup> See e.g., STL, *In the case against New TV S.A.L. and Khayat*, STL-14-05-PT/CJ, F0045, Decision on *Amicus Curiae* Prosecutor's Application for Protective Measures and Non-Disclosure, 20 June 2014, para. 6; *Prosecutor v. Ayyash et al.*, STL-11-01/PT/PTJ, F0594, Decision on the Prosecution Request Seeking Interim Protective Measures for the Expert Witnesses, 13 December 2012, para. 27 ("*Ayyash et al.* Decision").

<sup>24</sup> *Ayyash et al.* Decision, para. 27.

<sup>25</sup> Response to First Motion, para. 17.

the statements.<sup>26</sup> While the redactions in two of the witness statements are extensive and thus those statements to a certain extent do not provide much information,<sup>27</sup> I am satisfied that all the—temporary—redactions are necessary to protect the identities of the witnesses from being disclosed.

11. I have carefully considered the arguments of the Parties with respect to when the witnesses' identities and unredacted statements should be disclosed. I recognize the importance of such disclosure for the trial preparations of the Defence. However, given that no trial date has been set, I decide to defer a decision on this point. In due course, upon the setting of such date, I will determine the appropriate time prior to trial at which the *Amicus* will be ordered to disclose the witnesses' identities and unredacted statements to the Defence, ensuring that the Defence has sufficient time to prepare.

12. In sum, I grant the *Amicus*'s First Motion in part, permitting the interim non-disclosure of the witnesses' identities and the redactions of their statements until further order. I reject the *Amicus*'s request to set a time limit for further disclosure at this stage of the proceedings.

## **SECOND MOTION**

### **I. Background**

13. On 1 August 2014, the *Amicus* sought, *inter alia*, interim non-disclosure to the Defence of the identities of two witnesses in this case, as well as their witness statements.<sup>28</sup> The *Amicus* committed, in lieu of disclosure, to provide the Defence summaries of the withheld statements and to make further disclosures closer to trial when other protective measures were in place.<sup>29</sup> Upon considering the *Amicus*'s representations with respect to each witness, as well as the particular nature of this case, I found that such interim non-disclosure was warranted.<sup>30</sup>

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<sup>26</sup> Response to First Motion, para. 3; Annex B.

<sup>27</sup> See Response to First Motion, paras 16, 20.

<sup>28</sup> F0045, Application for Protective Measures and Non-Disclosure with Annexes, 1 August 2014 (“Application of 1 August 2014”).

<sup>29</sup> Application of 1 August 2014, para. 16.

<sup>30</sup> F0057, Decision on the *Amicus Curiae* Prosecutor’s Application for Protective Measures and Non-Disclosure, 26 August 2014 (“Decision of 26 August 2014”).

14. On 27 January 2015, I ordered that any statements covered by my previous decision should be disclosed to the Defence on 27 February 2015.<sup>31</sup> I later ordered that this should occur on 23 March 2015.<sup>32</sup>

15. With respect to the two above-referenced witnesses, the *Amicus* now applies for (1) the permanent non-disclosure of parts of their statements to the Defence and (2) the interim non-disclosure of the witnesses' identities to the Defence.<sup>33</sup> He pledges to disclose redacted versions of the statements to the Defence, which he attached in a confidential and *ex parte* annex.<sup>34</sup> The Defence opposes the *Amicus*'s application.<sup>35</sup>

## II. Discussion

### A. Alleged irregularity of the Second Motion

16. The Defence first argues that *Amicus*'s Second Motion is filed improperly. It asserts that, because of my previous ruling ordering the disclosure of the witness statements in unredacted form, the Second Motion is essentially a request for reconsideration. He states that the *Amicus* has not fulfilled the procedural requirements for such a request.<sup>36</sup>

17. I am not persuaded by the Defence argument. With respect to the request for permanent non-disclosure, this is an entirely new issue on which I have not previously ruled. Hence, it cannot logically be considered a reconsideration request. With respect to the request for continuing interim non-disclosure, what the *Amicus* seeks is a variation of my previous orders as regards the timing of such disclosure.<sup>37</sup> Indeed, all the *Amicus* seeks is to further extend the time period under which the protective order of 26 August 2014 remains in force. To this end, while a decision granting the *Amicus*'s request would supersede my previous ruling ordering the disclosure of relevant information by 23 March 2015,<sup>38</sup> it is also not a reconsideration request.<sup>39</sup> In sum, the Defence arguments in this regard are dismissed.

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<sup>31</sup> F0073, Scheduling Order on Pre-Trial Proceedings, 27 January 2015 ("Scheduling Order").

<sup>32</sup> F0077, Decision on Requests for Extension of Time, 6 February 2015 ("Decision on Requests for Extension of Time").

<sup>33</sup> Second Motion, para. 18.

<sup>34</sup> Second Motion, Annex B.

<sup>35</sup> Response to Second Motion, para. 46.

<sup>36</sup> Response to Second Motion, paras 6-7.

<sup>37</sup> See Scheduling Order; Decision on Requests for Extension of Time.

<sup>38</sup> Decision on Requests for Extension of Time.

## ***B. Permanent non-disclosure of parts of the witness statements***

### **1. The position of the *Amicus***

18. The *Amicus* first requests authorization to withhold parts of the statements of two witnesses from the Defence permanently. He argues that disclosing the entire witness statements in unredacted form would disclose confidential information about an ongoing investigation that has nothing to do with this case. Such disclosure would be to the detriment of ongoing or future investigations, cause grave risk to the security of witnesses and be contrary to the interests of the Tribunal, the public and the rights of third parties.<sup>40</sup> In two confidential and *ex parte* annexes the *Amicus* presents additional information on his particular concerns, provides the witness statements with proposed redactions and suggests certain counter-balancing measures.<sup>41</sup>

### **2. The position of the Defence**

19. The Defence opposes this request. It argues that the information in the statements is possibly linked to this case and that the Defence must be allowed to see them in complete form to evaluate its strategy.<sup>42</sup> The Defence also argues that permanent non-disclosure infringes on the Defence's trial preparations<sup>43</sup> and that the *Amicus* has failed to show why non-disclosure is necessary in the first place.<sup>44</sup> The Defence requests that in any event counter-balancing measures should be put in place to ameliorate the negative effects of non-disclosure.<sup>45</sup>

### **3. Whether to grant the measure of permanent non-disclosure request by *Amicus***

20. Rule 116 (A) allows the *Amicus* to seek relief from disclosure to the Defence that would ordinarily be required under Rule 110 or 113 if such disclosure (1) may prejudice ongoing or future investigations; (2) may cause grave risk to the security of a witness or his family; or (3) for any other reasons may be contrary to the public interest or the rights of third parties. When requesting relief, the *Amicus* must provide me with the information to be kept confidential,

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<sup>39</sup> See STL, *Prosecutor v. Ayyash et al.*, STL-11-01/T/TC, F1446, Decision Denying Leave to Reconsider a Decision of the Pre-Trial Judge Re Disclosure Regarding a Computer, 11 March 2014, paras 12-13.

<sup>40</sup> Second Application, paras 4-5.

<sup>41</sup> Second Application, Annexes A and B, Confidential and *Ex Parte*.

<sup>42</sup> Response to Second Motion, paras 12-13.

<sup>43</sup> Response to Second Motion, paras 14-16.

<sup>44</sup> Response to Second Motion, paras 17-24.

<sup>45</sup> Response to Second Motion, paras 25-27.



together with a statement relating to proposed counterbalancing measures, which may be, *inter alia*, identification of new, similar information, a summary of the information or the information in redacted form.<sup>46</sup>

21. In deciding an application under Rule 116 (A), I must first consider whether the information in question would ordinarily need to be disclosed.<sup>47</sup> If it would, I next have to determine whether an exception to disclosure is warranted under any of the grounds set out under Rule 116 (A) warranting non-disclosure.<sup>48</sup> If it is, I may order appropriate counterbalancing measures or, if no such measures would protect the Accused's fair trial rights, the *Amicus* can either amend or withdraw the charges to which the material relates or disclose it.<sup>49</sup>

22. As for the first consideration, I find that all of the information the *Amicus* seeks to withhold from the Defence is of the type that must ordinarily be disclosed under Rule 110 (A). The *Amicus* concedes as much in his Second Motion.<sup>50</sup>

23. With respect to the grounds for non-disclosure I note that portions of the statements of the two witnesses identified by the *Amicus* contain detailed information as to [REDACTED]. I take into account the *Amicus*'s concern that the information he seeks to redact pertains to [REDACTED] and that such "information is [REDACTED] extremely delicate and should be kept strictly confidential".<sup>51</sup> Indeed, such information should be protected as much as possible. [REDACTED]. Pursuant to Rule 116, such disclosure to the Defence in this case is therefore contrary to the public interest.

24. I therefore order that the *Amicus* permanently redact the information contained in paragraphs 9-11 of the first statement annexed<sup>52</sup> and paragraphs 9-12 of the second statement annexed.<sup>53</sup> Further non-permanent redactions are discussed in the next section. I also order the *Amicus* to provide the following information to the Defence as a counterbalancing measure pursuant to Rule 116 (B): [REDACTED].

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<sup>46</sup> Rule 116 (A) STL RPE.

<sup>47</sup> Rule 116 (B) STL RPE.

<sup>48</sup> Rule 116 (A) STL RPE.

<sup>49</sup> Rule 166 (C) STL RPE.

<sup>50</sup> Second Motion, para. 6.

<sup>51</sup> Second Motion, Annex A, para. 3.

<sup>52</sup> R001819-R001820.

<sup>53</sup> R001826.

### ***C. Interim non-disclosure of witness identities***

#### **1. The position of the *Amicus***

25. The *Amicus* also seeks to further delay the disclosure of the identity of the two witnesses to the Defence. He argues that the reasons for which I granted non-disclosure in my decision of 26 August 2014, namely the potential risk to the witnesses if their names are disclosed at an early stage, still exist.<sup>54</sup> He notes in particular that a trial in the near future appears unlikely. He recognizes that eventually disclosure will have to be made closer to the date of trial. In the meantime, he proposes to provide to the Defence the statements of the two witnesses in redacted form.<sup>55</sup> He requests that full disclosure should only be made 30 days prior to trial.<sup>56</sup>

#### **2. The position of the Defence**

26. The Defence opposes the request.<sup>57</sup> It mainly focuses on the Defence's right to have adequate time to prepare for trial.<sup>58</sup> In particular, the Defence stresses that it requires disclosure of the witnesses' identities well before the start of trial and that the 30 day period sought by the *Amicus* is not sufficient.<sup>59</sup>

#### **3. Whether to grant the measure of continued interim non-disclosure**

27. I refer to the discussion above on the legal requirements for interim non-disclosure.<sup>60</sup> Here, based on the reasons articulated by the *Amicus* above, I am persuaded that exceptional circumstances exist that merit the continuing interim non-disclosure of the identities of the two witnesses. Furthermore, I again note that the date of trial has not yet been set. Given the stage in proceedings, I am particularly mindful of the potential grave risk to the witnesses if their names are disclosed at this time. I have previously ruled on this matter<sup>61</sup> and I find that the circumstances underlying that ruling have not changed. Finally, I considered these factors against

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<sup>54</sup> Second Motion, paras 13-15.

<sup>55</sup> Second Motion, paras 16-17.

<sup>56</sup> Second Motion, para. 18.

<sup>57</sup> See Response to Second Motion, paras 40-41.

<sup>58</sup> Response to Second Motion, paras 31-46.

<sup>59</sup> Response to Second Motion, para. 45

<sup>60</sup> See above, para. 9.

<sup>61</sup> Decision of 26 August 2014, para. 6.

the Defence arguments that interim non-disclosure may impede his trial preparation.<sup>62</sup> On balance, and particularly because I will later decide on the time limits under which disclosure will eventually be made, I consider it appropriate to order the continuation of the interim non-disclosure of the identities of the witnesses. With respect to corresponding witness statements, I note the *Amicus*'s pledge to provide the Defence with the redacted versions of the statements.<sup>63</sup> I am satisfied that these—temporary—redactions are necessary to protect the identities of the witnesses from being disclosed.

28. I have carefully considered the arguments of the Parties with respect to when the witnesses' identities and unredacted statements should be disclosed. As I have stated above, I recognize the importance of such disclosure for the trial preparations of the Defence. However, given that no trial date has been set, I again decide to defer a decision on this point. In due course, upon the setting of such date, I will determine the appropriate time prior to trial at which the *Amicus* will be ordered to disclose the witnesses' identities and unredacted witness statements to the Defence, ensuring that the Defence has sufficient time to prepare.

#### ***D. Conclusion***

29. In sum, I grant the *Amicus*'s Second Motion in part. I allow the permanent non-disclosure of parts of the two witnesses' statements and the interim non-disclosure of the witnesses' identities until further ordered. I also permit the *Amicus* to redact the witness statements as proposed by him—both with respect to the permanent and the interim non-disclosure—and order him to provide the redacted statements to the Defence immediately. I reject the *Amicus*'s request to set a time limit for further disclosure at this stage of the proceedings.

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<sup>62</sup> Response to Second Motion, paras 4, 45.

<sup>63</sup> Second Motion, para. 17.

## **DISPOSITION**

**FOR THESE REASONS;**

**PURSUANT** to Rules 110, 115, 116 and 133 of the Rules;

**I**

**GRANT** the First Motion in part;

**ORDER** the following:

- the *Amicus* is permitted to withhold from the Defence the identities of the witnesses identified in Annex A to the First Motion until further order;
- the *Amicus* is permitted in this regard to redact the statements of these witnesses as proposed in Annex B to the First Motion;

**DISMISS** the First Motion in all other respects;

**GRANT** the Second Motion in part;

**ORDER** the following:

- the *Amicus* is permitted to permanently withhold from the Defence certain parts of the statements of the two witnesses referred to in the Second Motion as identified in Annexes A and B to the Second Motion;
- the *Amicus* is permitted in this regard to permanently redact these parts of the statements of the witnesses as proposed in Annex B to the Second Motion;
- the *Amicus* is further permitted to withhold from the Defence the identities of the two witnesses referred to in the Second Motion until further order;
- the *Amicus* is permitted in this regard to further redact the statements of these witnesses as proposed in Annex B to the Second Motion until further order;

- the *Amicus* is ordered to provide the redacted statements of the two witnesses to the Defence immediately; and

**DISMISS** the Second Motion in all other respects.

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

Dated 20 March 2015

Leidschendam, the Netherlands



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Judge Nicola Lettieri  
Contempt Judge

