

**THE CONTEMPT JUDGE**

**Case No.:** STL-14-05/PT/CJ  
**Before:** Judge Nicola Lettieri, Contempt Judge  
**Registrar:** Mr Daryl Mundis, Registrar  
**Date:** 26 March 2015  
**Original language:** English  
**Classification:** Public

**IN THE CASE AGAINST**

***AL JADEED [CO.] S.A.L./ NEW T.V. S.A.L. (N.T.V.)***  
**KARMA MOHAMED TAHSIN AL KHAYAT**

**ORDER ON THE CONDUCT OF PROCEEDINGS**

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

**Counsel for *Al Jadeed* [CO.] S.A.L./  
NEW T.V. S.A.L. (N.T.V.) and  
Ms Karma Khayat:**  
Mr Karim A.A. Khan  
Mr Rodney Dixon  
Ms Shyamala Alagendra



## INTRODUCTION

1. On 18 December 2014, I ordered the Parties to make opening statements and the *Amicus Curiae* Prosecutor (“*Amicus*”) to present his case-in-chief from 16-17 April 2015 and 20-22 April 2015, as needed.<sup>1</sup> I further ordered the Defence to present its case, if any, from 12 to 15 May 2015.<sup>2</sup>

2. Having heard the Parties, in particular with respect to the proposed scheduling of the case,<sup>3</sup> and in order to facilitate the proper administration of this trial, I give the following directions on the conduct of the proceedings under Rule 130 (A) of the Tribunal’s Rules of Procedure and Evidence (“Rules”). These guidelines supplement the Tribunal’s Statute and Rules and may be varied if required by the interests of justice.

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

Dated 26 March 2015  
Leidschendam, the Netherlands



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Judge Nicola Lettieri  
Contempt Judge

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<sup>1</sup> STL, *In the case against New TV S.A.L. and Khayat*, STL-14-05/PT/CJ, F0093, Order Scheduling Trial Dates, 18 December 2014, p. 2 (“Scheduling Order”).

<sup>2</sup> *Ibid.*

<sup>3</sup> STL, *In the case against New TV S.A.L. and Khayat*, STL-14-05/PT/CJ, F0110, Updated Prosecution Witness List, Confidential, 19 March 2015 (“Prosecution Witness List”).

## **GUIDELINES ON THE CONDUCT OF PROCEEDINGS**

### *A. Witnesses*

1. Each Party must submit to the Contempt Judge and to the opposing Party a complete schedule of the witnesses it intends to call before the commencement of its case.

### *B. Notification and disclosure of documents*

2. The Parties must upload into the Tribunal's Legal Workflow system any document or record that they intend to use when questioning a witness in court.
3. Before the commencement of its case, each Party must disclose to the opposing Party and to the Contempt Judge a list of the documents and records that it intends to present in court in its examination-in-chief.
4. The Parties must notify the Contempt Judge if, in the course of the presentation of their case-in-chief, they wish to present a document in court which was not on their list. The Parties must show good cause to do so, including outlining measures taken to limit any prejudice to the opposing Party.
5. Each Party must disclose to the opposing Party and to the Contempt Judge a list of the documents and records that it intends to use in cross-examining a witness. This must occur immediately after the questioning of the witness in examination-in-chief is concluded.
6. The Contempt Judge cautions the Parties against listing documents and records that they will not use during the questioning of a witness.
7. In general, the Contempt Judge will hear submissions from the Parties about the admissibility of documents and records presented through witnesses at the end of their testimony.

C. *Witness summaries*

8. A Party tendering a witness statement into evidence under Rules 155 or 156 *in lieu* of oral testimony or examination-in-chief, or under Rule 158 for an ‘unavailable person’, must read a summary of the witness’ statement into the record.

D. *Questioning witnesses, examining, cross-examining and re-examining witnesses*

9. The Contempt Judge may question witnesses at any time and may, when the interests of justice require, vary the order of questioning.
10. Where a Party calls a witness, it shall question the witness first. The opposing Party may put questions to the witness after the examination-in-chief.
11. The Party calling the witness may re-examine the witness, in principle, only about matters that have arisen during the cross-examination.

E. *Contact with witnesses*

12. The Parties must not communicate with a witness after the witness has made the solemn declaration under Rule 150 (A) or commenced testifying under Rule 150 (B). The Contempt Judge may allow contact, on the application of a Party, in a manner suitably regulated.
13. Any new information, material to the proceedings, and any information falling within Rule 113 on disclosure of exculpatory material obtained by the *Amicus* in preparing a witness for testimony, must be promptly disclosed to the opposing Party and the Contempt Judge in a suitable form. Disclosure must occur as soon as practicable the day before the witness’ expected testimony.

F. *Use of Time*

14. In accordance with the estimation submitted by the Parties,<sup>4</sup> the *Amicus* is anticipated not to exceed 12 hours for the presentation of his examination-in-chief. The time for the cross-examination of the witnesses called by the *Amicus* is anticipated not to exceed 15 hours.

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<sup>4</sup> Prosecution Witness List.

15. The Registry shall record the time used by the Parties.

*G Case presentation*

16. As stated in the Scheduling Order, the *Amicus* shall present his case from 16-17 April 2015 and 20-22 April 2015, as needed. The Defence may present its case from 12 to 15 May 2015.

17. In accordance with their estimation, each Party is not to exceed 1 hour for the presentation of its opening statement at the commencement of the trial.

18. The *Amicus* shall start the presentation of his case-in-chief immediately after the opening statements.

19. The Defence, shall it decide to present its case, must, within seven days after the close of the *Amicus*'s case-in-chief:

- a. submit to the *Amicus* and to the Contempt Judge its witness and exhibit lists;
- b. permit the *Amicus* to inspect and copy any material in its custody or control which it intends to use as evidence in its case pursuant to Rule 112 (A) (i);
- c. provide the *Amicus* with copies of all witness statements pursuant to Rule 112 (A) (ii); and
- d. notify the *Amicus* if it intends to use a defence of alibi or any special defence pursuant to Rule 112 (B) (i) (a) and (b).

20. The Parties shall submit their final briefs fourteen days after the presentation of all the evidence.

21. Seven days after the submission of the final briefs, each Party shall present its closing arguments in court. In doing so, the Parties shall strive to respond to the opposing Party's final brief, avoiding the repetition of arguments put forward in their final briefs.

*G. Courtroom schedule*

22. Generally, the courtroom schedule will be:

9:00 - 10:30

11:00 - 12:30

14:00 - 15:30

16:00 - 17:30

